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ECUMENISM

ANGLICANORUM COETIBUS AND PERSONAL ORDINARIATE
Dr. Sebastian Vaniyapurackal

RECEPTION OF AGREEMENTS BETWEEN THE CATHOLIC CHURCH AND
THE MALANKARA JACOBITE SYRIAN ORTHODOX CHURCH
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VADAVATHOOR SEMINARY: THE REALIZATION OF THE DREAM OF
REV. DR. PLACID J. PODIPARA C.M.I.
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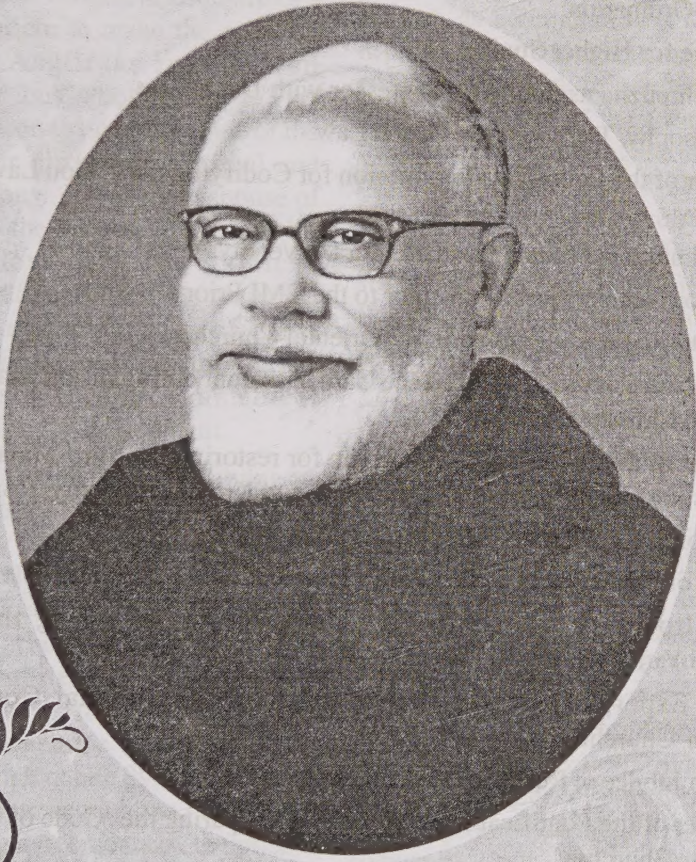
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*A Tribute
to*



Rev. Prof. DDDr. Placid J. Podipara CMI
(1899-1985)

An Ecclesial Luminary of the Syro Malabar Church

Major Events in Fr. Placid's Pilgrimage

- 1899 (October 3) Birth at Arpookara in Podipara Family.
- 1918 Entrance to the CMI(then TOCD) Religious Institute.
- 1919 First Commitment in Religious Life.
- 1927 Priestly Ordination.
- 1928 To Rome for Higher Studies.
- 1930 At Chethipuzha as Seminary Professor with Doctorates in Philosophy, Theology and Canon Law.
- 1934 Member of the Pontifical Commission for Codifying the Canon Law of Oriental Churches.
- 1939 Syriac Language Examiner of Kerala University.
- 1943 Definitor General (First Consultor to the CMI Prior General).
- 1952 Consultor to the Congregation for Oriental Churches.
- 1953 Private Secretary to His Eminence Card. Tisserant during his official visitation of Oriental Churches in India.
- 1954 Member of the Pontifical Commission for restoring the Syro-Malabar *Qurbana*.
- 1955 Professor of Pontifical Oriental Institute and Urban University, Rome.
- 1956 Visitor to the Bethany (SIC) Convents in India.
- 1958 Rector of the Malabar College in Rome.
- 1960 Consultor to the Pontifical Commission for preparing the *Agenda* of Second Vatican Council.
- 1963 Papal Expert to Vatican II; Consultor to the Synodal Commission for Eastern Churches.
- 1969 Golden Jubilee of Religious Commitment.
- 1974 Member of the Pontifical Commission for preparing the 'Code of Canons of the Eastern Churches'.
- 1977 Golden Jubilee of Priestly Ordination.
- 1980 Back from Rome and a Resident at Chethipuzha.
- 1985 (April 27) Slept in the Lord.

Taken from V. PATHIKULANGARA ed., *Placidachan*, (Kottayam, 1995).

Editorial

His Holiness Benedict XVI on 4 November 2009 through the Apostolic Constitution "*Anglicanorum Coetibus*" established the new canonical structure of a Personal Ordinariate to make the entrance of a group of Anglicans into the full communion with the Catholic Church. This is to make provision to preserve some of the elements of their distinctive spiritual and liturgical patrimony. It was the response of the Holy See to the request of the Anglo-Catholic sections of the Anglican Communion. Dr. Sebastian Vaniyapurackal in his article, "*Anglicanorum Coetibus* and Personal Ordinariate" expounds the various canonical, pastoral and ecumenical implications of this papal document.

Ecumenical dialogue is meant to propose methods of solving problems of disagreements by cooperation and common action. Fr. Philip Nelpuraparampil, the author of the article, "*Reception of Agreements between the Catholic Church and the Malankara Jacobite Syrian Orthodox Church*" highlights the three agreements, so far achieved, between the Catholic Church and the Malankara Jacobite Syrian Orthodox Church. The author regrets the inadequate reception of these agreements by the priests and the faithful of these Churches. This, according to him, is mainly due to their ignorance of these agreements and it created confusion among the faithful. The only solution to this problem is an adequate ecumenical formation of priests, religious and catechism teachers. He also proposes

certain practical suggestions for an effective ecumenical conscientization.

The renewed understanding of the Church, as a communion of Churches, gave momentum to various ecumenical endeavours. With the promulgation of the Code of Canons of the Eastern Churches, there is clarity with regard to the structure, organization and power of the synod of bishops of the patriarchal and major archiepiscopal Churches. Fr. Biju George's study on the Synod of Bishops of the Patriarchal and Major Archiepiscopal Churches is a theologico-juridical exposition of the synodal structure of the Eastern Churches, that helps to move forward in harmony, under the impulse of the Spirit.

The present issue of "the Christian Orient" pays a special prayerful tribute to a great luminary of the Church, Fr. Placid J. Podipara. The year 2010 marked his 25th death anniversary. Fr. Charles Pynott CMI and Fr. Thomas Kalayil CMI introduce this great scholar and his clear vision with regard to the Church of the St. Thomas Christians. His knowledge of history, discipline, spirituality, theology and liturgy of this Church prompted the authorities to pay heed to his proposals. The territorial expansion of the Syro-Malabar Church and the establishment of the St. Thomas Apostolic Seminary are the fruits of his timely interventions. We joyfully commemorate the great service of this Church luminary on his 25th death anniversary and pay homage to him.

Anglicanorum Coetibus and Personal Ordinariate

Sebastian Vaniyapurackal

Anglicanorum Coetibus (=Groups of Anglicans) is an Apostolic Constitution¹ that envisages the establishment of the new canonical structure of personal ordinariate to facilitate corporate reception of groups of Anglicans by allowing them to enter into full communion with the Catholic Church while preserving some elements of their distinctive spiritual and liturgical patrimony² as a precious gift nourishing the faith of the members of the Ordinariate and as a treasure to be shared.

The Apostolic Constitution was signed by Pope Benedict XVI on 4 November 2009 and was released on 9 November 2009, after being announced on 20 October 2009 by

Cardinal William Levada, Prefect of the Congregation for the Doctrine of Faith, at a press conference in Rome and by the Archbishop of Canterbury, Rowan Williams, and the Archbishop of Westminster, Vincent Nichols, at a simultaneous press conference in London.

1. Background of the Apostolic Constitution

The Apostolic Constitution “*Anglicanorum Coetibus*” is the response by the Vatican to concerns and requests coming from within the Catholic Church, particularly the Anglican Use parishes³; from Continuing Anglican

¹ An Apostolic Constitution is the highest level of decree issued by the Roman Pontiff. It is a formal charter establishing the canonical terms and conditions upon which the “personal ordinariates” which it creates are to come into being and to continue to exist within the Catholic Church.

² When the faithful of the Syro Malankara Church wished to make communion with the Catholic Church, it was allowed to adopt the Antiochene Liturgy and canonical traditions which are very ancient and rooted in the apostolic traditions of the early oriental Churches. The use of the Antiochene Liturgy for long in the Malankara Church has deeply influenced and shaped the ecclesial and spiritual life of the Malankara Catholic Church.

³ The term “Anglican Use” has two meanings. First, it refers to former congregations of the Anglican Communion who have joined the Catholic Church (Latin Church in particular) while maintaining some of the features of Anglicanism. Second, it refers to the particular form of worship used in those churches, which is found in the Book of Divine Worship. The liturgy can be used outside of Anglican Use parishes with the proper permission from the local Roman Catholic bishop. Anglican Use parishes have existed since

churches⁴, particularly the Traditional Anglican Communion⁵; and from Anglo-Catholic sections of the Anglican Communion, such as those involved with Forward in Faith⁶. What brought the matter to ahead was the formal request that in October 2007 the TAC presented to the Holy See for full union in corporate form (i.e., as a body, not merely as individuals) with the Catholic Church.

This worldwide grouping, under a single primate, of churches of Anglican tradition, but outside of communion with the see of Canterbury, was founded in 1991. It was formed over a number of issues, principally the ordination of women. Other issues included liturgical revisions, the acceptance of homosexuality and the importance of tradition. In October 2007, its bishops made a formal request for “full, corporate and sacramental union” with the Catholic Church. On 5 July 2008, Cardinal Levada gave written assurance that the Congregation for the

Doctrine of the Faith was giving serious attention to the prospect of “corporate unity” raised in that request. The request thus became a basis for the decision, announced by Cardinal Levada on 20 October 2009, to issue the Apostolic Constitution.

In December 2009 Cardinal Levada responded to each of the bishops of the TAC who signed the October 2007 petition for corporate union with the Catholic Church, stating that the Congregation for the Doctrine of the Faith had completed its long and detailed study with the aim of making available a suitable and viable model of organic unity for their group “and other such groups”. The TAC then undertook discussions with those other groups and with representatives of the Catholic Episcopal Conferences and planned to give a formal response after a meeting of their bishops in Eastertide 2010.

the early 1980s, in line with the Pastoral Provision granted by Pope John Paul II at the request of the United States Conference of Catholic Bishops, allowing for the creation of parishes celebrating the liturgy in an approved form of the Anglican tradition and with a married clergy composed of former Anglican priests who on joining the Catholic Church were ordained in the Catholic Church. Many of these Anglican Use Catholics left the Episcopal Church because of women’s ordination, revisions of the liturgy, and changes in its moral teaching. The discussions in 1977 that led to the granting of the pastoral provision in 1980 raised some of the ideas that came to fruition in the decision of 2009.

⁴ The “Continuing Anglican Church” is a group of Christian churches which follow the Anglican tradition but which split from the Episcopal Church in the USA (ECUSA) and the Anglican Church of Canada because of what they viewed as a rejection of orthodoxy by those North American provinces of the Anglican Communion. The most controversial issues were the decision of the Episcopal Church to ordain women, to create a new Book of Common Prayer, and to revise some of its standards on sexual and marital matters. This movement is composed of jurisdictions that are numerous, usually quite small in membership, and that often splinter and recombine.

⁵ Hereafter TAC

2. Contents of the Apostolic Constitution

The document provides for the establishment by the Congregation for the Doctrine of the Faith, within the area of an Episcopal Conference and in consultation with it, of personal ordinariates, juridically comparable to dioceses composed of lay faithful, clergy and members of religious orders originally of the Anglican tradition but now in full communion with the Catholic Church.

Without excluding liturgical celebrations according to the Roman Rite, the planned ordinariates may celebrate the Eucharist, the other sacraments, the Liturgy of the Hours and other liturgical celebrations in accordance with liturgical books proper to Anglican tradition and approved by the Holy See, so as to maintain the Anglican liturgical, spiritual and pastoral tradition.

The ordinary, after having heard the opinion of the local eparchial bishop, may

erect, with the consent of the Holy See, personal parishes for the faithful of his ordinariate. Every five years the ordinary is required to make an *ad limina Apostolorum* visit to Rome and to present to the Pope, through the Congregation for the Doctrine of the Faith and in consultation with the Congregation for Bishops and the Congregation for the Evangelization of Peoples, a report on the status of his ordinariate.

On the basis of objective criteria determined by the ordinary in consultation with the Episcopal conference and approved by the Holy See, the ordinary may petition the Pope, on a case by case basis, to admit married men to the priesthood as a derogation of canon 277 § 1⁷ of the Code of Canon Law but the general rule is that the ordinariate will admit only celibate men.

The ordinary is not necessarily a bishop: he may instead be a presbyter appointed by the Roman Pontiff *ad nutum Sanctae Sedis*,⁸ based on a terna⁹ presented by the Governing Council¹⁰ of the ordinariate. The governing

⁶ The movement "Forward in Faith", is formed of members of the Anglican Communion that share many of the same concerns over women's ordination and liturgical revisions that the TAC has, many of whom are Anglo-Catholics who have long desired to be in full communion with the Catholic Church, is not a church or a grouping of churches, each with its own bishop, as is the Traditional Anglican Communion.

⁷ "Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity".

⁸ A term that means "at the disposition of the Holy See." It refers to any circumstance involving a conflict of ecclesiastical jurisdiction, where Rome decides to take the matter under its own jurisdiction and reserves to itself the right to make a final judgment on the matter.

⁹ A terna is a list of three candidates for the office of bishop used in the Episcopal selection process.

¹⁰ Cf. Complementary Norms, art. 12. (As appendix to the Apostolic Constitution *Anglicanorum Coetibus* some complementary norms containing 14 articles were issued by the Congregation for the Doctrine of Faith on the same day)

council that each ordinariate is to have will be composed of at least six priests. Its duties are those that the Code of Canon Law assigns to the presbyteral council and the college of consultors of a diocese, and additional duties specified in the apostolic constitution provides a juridical framework within which Anglican religious communities may join the Catholic Church as a group.

3. Personal Ordinariates

A personal Ordinariate is akin to a diocese and people belong to it on account of the particular pastoral reasons for the establishment of the Ordinariates. It has a temporary nature which could develop in either direction. It could either become redundant in which case the clergy and laity would become subject to the bishop of the

diocese in which they have domicile, or it could develop into a personal diocese.¹¹

An "Ordinariate" is a canonical structure headed by an "Ordinary", a bishop or priest whose authority derives from his office and is not conferred on him by delegation from another person.¹² In other words the ordinary governs with ordinary¹³, vicarious¹⁴ and personal power¹⁵. The adjective *personal* refers to the fact that, in contrast with previous canonical use for ecclesiastical institutions, the jurisdiction of the ordinary is not linked to a territory but over persons wherever they happen to be¹⁶.

Other ordinariates already in existence include those set up in various countries such as Argentina, Austria and Brazil¹⁷ for Eastern Catholics who have no bishop or other

¹¹ Arrieta speaks of "personal dioceses". "In accordance with c. 372 § 2 CIC, personal dioceses are those which can be established in areas where territorial circumscriptions already exist, when on the basis of the rite of the faithful or for other motives, the circumstance require personal dioceses" (J. Arrieta, *Governance Structures within the Catholic Church*, Montreal 2000, 173)

¹² CIC 134 § 1, Cf. CCEO c. 984, 987

¹³ The ordinary power of governance is that which is joined to a certain office by the law itself to the office. In former times, ordinary power was understood as only that power which was conferred by the Roman Pontiff in a stable and general manner through an office. Any other type of power was "delegated".

¹⁴ The ordinary power of governance can be either proper or vicarious. Both types are ordinary, in the sense that they are attached to an office by the Law itself. The difference is that the person who enjoys proper power acts in his own name and the one who has vicarious power acts in the name of the person whose vicar he is.

¹⁵ The power exercised over all who belong to the Ordinariate.

¹⁶ A similar situation exists in the Archdiocese of Kottayam in the Syro-Malabar Church *sui iuris* which is established only for the Southists. The Archbishop of Kottayam has personal jurisdiction over all the Knanaya Catholics who come under the territory of the Syro-Malabar Major Archiepiscopal Church. The Latin dioceses of Cochin and Alapuzha in Kerala have overlapping territories on the basis of the two ethnic communities: Anjuttikkar and Ezhunnuttikkar.

¹⁷ *Annuario Pontificio* 2008, p. 1058

ordinary of their own Churches *sui iuris*. These are usually headed by a Latin Church ordinary. Ordinariates exist also for the faithful of some other Churches *sui iuris*, such as the Ordinariate for Armenian Catholics in Eastern Europe¹⁸ and these are headed by a priest or bishop of that Church.

In order to better understand this ecclesiastical structure one should also know how it differs from a personal prelature and a military ordinariate. It could be simply said that personal ordinariate is an amalgam of two already existing structures in the canon

law of the Church: Personal Prelature and Military Ordinariate.

4. Personal Prelature

With the establishment of personal ordinariate for the Anglicans, a most common question now asked is that "is this similar to Opus Dei's personal prelature? A very simple answer would be that a Personal Ordinariate is not a Personal Prelature, which is already foreseen in the Code of Canon Law of the Latin Church (Cann. 294--297)¹⁹

A Personal prelature may be defined as a group of faithful²⁰ who are stably established

¹⁸ *Annuario Pontificio* 2008, p. 1059

¹⁹ Can. 294 "After the conferences of bishops involved have been heard, the Apostolic See can erect personal prelatures, which consist of presbyters and deacons of the secular clergy, to promote a suitable distribution of presbyters or to accomplish particular pastoral or missionary works for various regions or for different social groups". Can. 295 § 1. "The statutes established by the Apostolic See govern a personal prelature, and a prelate presides over it as the proper ordinary; he has the right to erect a national or international seminary and even to incardinate students and promote them to orders under title of service to the prelature. § 2. The prelate must see to both the spiritual formation and decent support of those whom he has promoted under the above-mentioned title". Can. 296 "Lay persons can dedicate themselves to the apostolic works of a personal prelature by agreements entered into with the prelature. The statutes, however, are to determine suitably the manner of this organic cooperation and the principal duties and rights connected to it". Can. 297 "The statutes likewise are to define the relations of the personal prelature with the local ordinaries in whose particular churches the prelature itself exercises or desires to exercise its pastoral or missionary works, with the previous consent of the diocesan bishop".

²⁰ Some canonists like Ghirlanda would say that only the clergy mentioned in canon 294 belong to the personal prelature, while lay faithful as per can. 294 do not fully belong to it, but are only associated with it as some form of auxiliaries. Cf. G. Ghirlanda, "Natura delle prelature personali e posizioni dei laici", in *Gregorianum* 69 (1988) 299-314. However, others like C. Tammaro, P. Gefaell and J. Arrieta would object to such opinions and say that this is not true. Tammaro says, "In CIC can. 294 there was no need to name the laity because its presence is obvious in the prelature, since the pastoral work of the presbyterate is always aimed to a group of faithful. This is obvious as the necessity of a Prelate, who nevertheless is also omitted by the mentioned canon". Cf. C. Tammaro, *La posizione giuridica dei fedeli laici nelle prelature personali*, Roma 2004, 118. Cf. Also P. Gefaell, "Juridical discipline of Personal Prelatures in Latin Canon Law" in *Kanon* (21) 2010, 311-312; J. Arrieta, *Governance Structures within the Catholic Church*, Montreal 2007, 183. John Paul II himself wanted to make it clear that, in Opus Dei, lay faithful are incorporated in the prelature: "You are here representing the components by which the Prelature is organically structured, that is, priests

by the Apostolic See, structured in a hierarchical manner, with a prelate at its head as source of unity. It enjoys personal jurisdiction to promote an appropriate distribution of priests or to carry on special pastoral or missionary enterprises in different region for different social groups. Priests of the Prelature depend fully on the Prelate. He assigns to them their pastoral responsibilities, in the fulfillment of which they closely follow the pastoral guidelines for the diocese in which they live. The Prelate is responsible for the financial support of its priests.

The Prelature is under the Sacred Congregation for Bishops²¹ and, like the other autonomous jurisdictions, is entitled to deal directly with the relevant Congregation or

Department of the Roman Curia, according to the nature of the matter involved in each case. A personal ordinariate differs from a personal prelature in that the former is reckoned as a "particular church."²² It too is "personal" meaning that it does not have geographic boundaries like a diocese does. The military "archdiocese" of the United States is an "ordinariate" and not really an "archdiocese".

The personal prelatures live and act within one or various dioceses, with which they cooperate. In the Universal Church, the personal prelatures were conceived during the sessions of the Second Vatican Council in the decree *Presbyterorum ordinis*,²³ and was later enacted into law by Paul VI in his *motu proprio*

and lay faithful, men and women, headed by their own Prelate. (...) First of all, I wish to emphasize that the membership of the lay faithful in their own particular Churches and in the Prelature, into which they are incorporated, enables the special mission of the Prelature to converge with the evangelizing efforts of each particular Church, as envisaged by the Second Vatican Council in desiring the figure of personal prelatures" (John Paul II, Address of March 17, 2001 to the participants in the Workshop on 'Novo millennio inneunte' organized by the Prelature of Opus Dei, in *L'Osservatore Romano*, Italian edition, (March 18, 2001) 6

²¹ Cf. Ap. Const, *Regimini Ecclesiae Universae*, n. 49, par. 1.

²² The term *particular Church* is used in a variety of ways in the different documents and in the legislation of the Church, and above all in the last Ecumenical Council. For example, in *Lumen Gentium* and in *Christus Dominus* it refers to a diocese or local Church and in *Ad Gentes* to all the Churches in a given region, whereas in *Orientalium Ecclesiarum* and *Unitatis Redintegratio* it refers to the intermediary level of communion. In this context it means a diocese.

²³ "Present norms of incardination and excardination should be so revised that, while this ancient institution still remains intact, they will better correspond to today's pastoral needs. Where a real apostolic spirit requires it, not only should a better distribution of priests be brought about but there should also be favored such particular pastoral works as are necessary in any region or nation anywhere on earth. To accomplish this purpose there should be set up international seminaries, special personal dioceses or prelatures (vicariates), and so forth, by means of which, according to their particular statutes and always saving the right of bishops, priests may be trained and incardinated for the good of the whole Church" (n.10)

*Ecclesiae sanctae*²⁴. The institution was later reaffirmed in the 1983 Code of Canon Law. The establishment of personal prelatures is an exercise of the theologically inherent power of self-organization which the Church has to pursue its mission, though a personal prelature is not a particular church as dioceses are.

5. Military Ordinariate

A military ordinariate is an ecclesiastical jurisdiction of the Catholic Church, either of Latin Church *sui iuris* or of Eastern Churches *sui iuris*, responsible for the pastoral care of Catholics serving in the armed forces of a nation. An example of a military ordinariate is the Military Ordinariate of the Philippines or MOP. It has jurisdiction over all military, police and coast guard personnel, their dependents, and the civilian employees of all branches of the armed forces.

A military ordinariate also is a personal ordinariate, in that its governance covers its military personnel even when these are outside the country for which the military ordinariate was established. However, the personal ordinariates for former Anglicans differ from military ordinariates in many ways, even apart from their distinct categories of membership. For instance, military ordinariates must be headed by a bishop and they lack structures such as the "governing council" of the ordinariates for former Anglicans. Furthermore, a military ordinariate is nationwide; while there can be more than one

personal ordinariate for former Anglicans in the same country.

6. St Pius X Union and the Diocese of Campos Brazil

The Society of Saint Pius X (SSPX)²⁵ is an international Traditionalist Catholic organization, founded in 1970 by the French Archbishop Marcel Lefebvre. Tensions between the society and the Holy See reached their height in 1988, when Archbishop Lefebvre consecrated four bishops against the orders of the former Pope John Paul II. However, dialogue between the society and the Holy See has been ongoing for some years, and in January 2009 the Holy See remitted the excommunications of the Society's bishops that it had declared at the time of the 1988 consecrations and expressed the hope that all members of the society would follow this up by speedily returning to full communion with the Church.

In June 2009, Father Franz Schmidberger, the former superior General of SSPX, said that the SSPX is moving in the "direction of a personal prelature", somewhat similar to the situation of *Opus Dei*. Father Schmidberger's view has not been confirmed by the Holy See, which sees the society as still requiring to rediscover the path to full communion with the Church. Moreover the doctrinal questions obviously remain and until they are clarified the Society has no canonical status in the Church and its ministers cannot legitimately exercise any ministry.

²⁴ The *motu proprio* was issued on August 6, 1966.

²⁵ The society's official Latin name is *Fraternitas Sacerdotalis Sancti Pii X*, meaning "Priestly Fraternity of St. Pius X"

Campos is a diocese belonging to the Latin Church *sui iuris* in Brazil. From 1949 to 1981, the diocese of Campos was headed by Bishop Antonio de Castro Mayer who opposed the use of Pope Paul VI's revision of the Roman Missal and held to the Tridentine Mass. After his resignation, the then 77-year-old Bishop Castro Mayer continued to lead opposition in the diocese to the revised liturgy and on 30 June 1988 joined with Archbishop Marcel Lefebvre in consecrating as bishops, against an express prohibition by Pope John Paul II, four priests of the Society of St. Pius X. For this action he was declared to have incurred excommunication.

The priests of Campos who shared the traditionalist Catholic views formed themselves into the Priestly Union of Saint Jean-Marie Vianney, also known as the Sacerdotal Society of St. John Marie Vianney (SSJV) and, when Bishop de Castro Mayer died in April 1991, chose as his successor Licinio Rangel, who was given Episcopal consecration later that year by three bishops of the Society of St. Pius X. The Personal Apostolic Administration of Saint John Mary Vianney was established on 18 January 2002 by Pope John Paul II for those who wanted to be in full communion with the Catholic Church. It is the only Personal Apostolic Administration in existence. Its current Apostolic Administrator is Bishop Fernando Areas Rifan.

7. Anglican Religious Institutes

The apostolic constitution provides a juridical framework within which Anglican religious communities may join the Catholic Church as a group: "The Ordinary, with the approval of the Holy See, can erect new Institutes of Consecrated Life and Societies of Apostolic Life, with the right to call their members to Holy Orders, according to the norms of canon law. Institutes of Consecrated Life originating in the Anglican Communion and entering into full communion with the Catholic Church may also be placed under his jurisdiction by mutual consent"²⁶.

8. Married former Anglican clergy and rules on celibacy

The Catholic Church does not recognize Anglican priests as validly ordained²⁷ and requires that if they are to minister within the Catholic Church they be ordained in that church. Those who ministered as Anglican deacons, priests, or bishops, may be accepted by the Ordinary as candidates for Holy Orders in the Catholic Church.²⁸

Ordination to the priesthood is open in certain cases to married former Anglican clergy. In consideration of Anglican ecclesial tradition and practice, the Ordinary may present to the Holy Father a request for the admission of married men to the presbyterate in the Ordinariate. There is no blanket

²⁶ *Anglicanorum Coetibus*, n. VII.

²⁷ See Encyclical Letter "Apostolicae Curae" on the nullity of Anglican Orders promulgated in September 18, 1896 by Pope Leo XII.

²⁸ Cf. *Anglicanorum Coetibus*, VI, § 1

acceptance of all married former Anglican clergy for ordination to the priesthood: the admission of married men to the order of presbyterate will be granted only on a case by case basis,²⁹ after a process of discernment based on objective criteria and the needs of the ordinariate, and not as a matter of course but by exception. In this regard the norms established in the Encyclical Letter *Sacerdotalis coelibatus*,³⁰ on June 24, 1967 by Pope Paul VI and in the Statement *In June* are to be observed³¹.

The complementary norms for *Anglicanorum coetibus* explicitly exclude two categories of former Anglican clergy from admission to priestly ministry in the Catholic Church: those who had been ordained in the Catholic Church before becoming Anglicans and those in irregular matrimonial situations³².

The apostolic constitution itself speaks generically of the exclusion of those who are "impeded by irregularities or other impediments", a phrase that it explains by making reference to the section of the Code of Canon Law headed "Irregularities and other impediments".

9. Provisions for former Anglican bishops

Ordination of married men to the episcopacy is excluded in the Catholic tradition, but the Holy See went to great lengths to take into account the position of married former Anglican bishops. A former Anglican bishop who is married may be ordained to the priesthood³³. Any former Anglican bishop who is a member of an ordinariate may be invited to participate in the meetings of the Episcopal conference, with the status of a

²⁹ Cf. *Anglicanorum Coetibus*, VI, § 2

³⁰ "In virtue of the fundamental norm of the government of the Catholic Church, to which We alluded above, while on the one hand, the law requiring a freely chosen and perpetual celibacy of those who are admitted to Holy Orders remains unchanged, on the other hand, a study may be allowed of the particular circumstances of married sacred ministers of Churches or other Christian communities separated from the Catholic communion, and of the possibility of admitting to priestly functions those who desire to adhere to the fullness of this communion and to continue to exercise the sacred ministry. The circumstances must be such, however, as not to prejudice the existing discipline regarding celibacy" (n.42)

³¹ "Nell'accogliere tra il clero cattolico detto clero Episcopaliano uxorato, la Santa Sede ha precisato che l'eccezione alla norma del celibato è concessa in favore di queste singole persone e non deve essere intesa come se implicasse un cambiamento del pensiero della Chiesa circa il valore del celibato sacerdotale, che rimane la norma anche per i futuri candidati al sacerdozio di questo gruppo" (*Statement on behalf of some clergy and laity formerly or actually belonging to the episcopal [anglican] church for full communion with the catholic church*), 1° aprile 1981. DOCUMENTA 45. OR 1.4.1981; *DocCath* 78 (1981) 433 [Gall.].

³² Cf. Complementary Norms, art. 6, § 2.

³³ "A married former Anglican Bishop is eligible to be appointed Ordinary. In such a case he is to be ordained a priest in the Catholic Church and then exercises pastoral and sacramental ministry within the Ordinariate with full jurisdictional authority". (Complementary Norms art. 11, § 1)

retired bishop³⁴. In addition, a former Anglican bishop who has not been ordained a bishop in the Catholic Church can nonetheless request permission to use Episcopal regalia³⁵. Even as priests they may be chosen to head an ordinariate, which enables them to remain at the service of their community. The head of an ordinariate is a full member of the Episcopal conference.

On 8 November 2010 five bishops of the Church of England announced their resignation from ministry in that church, and their intent to join a personal ordinariate for Anglicans wishing to enter into full communion with the Catholic Church.

The U.K. bishops who announced their resignations include Bishop Andrew Burnham of Ebbsfleet, Bishop Keith Newton of Richborough and Bishop John Broadhurst of Fulham. These three bishops are known as “flying bishops,” as they minister to the more traditional faithful who don’t accept the Anglican move toward ordination of women to the priesthood. Two retired bishops also resigned: Bishop Edwin Barnes of Richborough, and Assistant Bishop David Silk of Exeter.

In their statement, signed by all five, the bishops explained that they have for years followed the process of dialogue between Anglicans and the Catholic Church “with

prayer and longing”. “We have been dismayed, over the last 30 years, to see Anglicans and Catholics move further apart on some of the issues of the day, and particularly we have been distressed by developments in Faith and Order in Anglicanism which we believe to be incompatible with the historic vocation of Anglicanism and the tradition of the Church for nearly two thousand years,” they explained.

The bishops said “*Anglicanorum Coetibus*” was to them an answer for those seeking unity with Rome: “With the ordinariates, canonical structures are being established through which we will bring our own experience of Christian discipleship into full communion with the Catholic Church throughout the world and throughout the ages. This is both a generous response to various approaches to the Holy See for help and a bold, new ecumenical instrument in the search for the unity of Christians, the unity for which Christ himself prayed before his Passion and Death. It is a unity, we believe, which is possible only in Eucharistic communion with the successor of St. Peter”.

The five said that now is the time to “formally declare our position and invite others who share it to join us on our journey. We remain very grateful for all that the Church of England has meant for us and given to us all these years and we hope to maintain close

³⁴ Cf Complementary Norms, art. 11, § 3.

³⁵ Cf Complementary Norms, art. 11, § 4.

and warm relationships, praying and working together for the coming of God's Kingdom"³⁶

Conclusion

To conclude, the Apostolic Constitution *Anglicanorum coetibus* provides norms which establish the nature of Personal Ordinariates erected specifically for those Anglicans who wish to enter into full communion with the

Catholic Church. With this Apostolic Constitution a fresh and flexible canonical structure has been instituted. By erecting this institute the Holy Father Benedict XVI – Supreme Pastor of the Church and guarantor of the unity of the episcopate and of the universal communion of all the Churches – has shown his fatherly care for those Anglican faithful who have repeatedly petitioned the Holy See to be received into full Catholic Communion.



³⁶ The information on the resignation of the Anglican Bishops and their statements are taken from the ZENIT news of November 8, 2010.

Reception of Agreements Between the Catholic Church and the Malankara Jacobite Syrian Orthodox Church

Philip Nelpuraparampil

While the Catholic and the Malankara Jacobite Syrian Orthodox Church travel together to the ultimate goal of full communion between the Churches, we often talk, quite rightly, of the supreme importance of 'reception'. It is certainly true that achievements of the formal international dialogues desperately need to be better received at all levels, especially in the local level as we share in the common pilgrimage. Such reception at the local level is essential in order that the hearts and minds of the faithful at parish level be open to mutual recognition of each other and each other's churches as fellow Christians and sister churches on a convergent pilgrimage towards unity.

We engage in dialogue in order that we may be one, 'that the world may believe'. The world should be able to see in us a true pattern of living in dialogue and community. In a world too often characterized by controversy and conflict, Christian dialogue can present the healing and hopeful contrast of a method of solving problems and disagreements that

is co-operative and communal, not conflictive and adversarial.

We, the Catholic Church and the Malankara Jacobite Syrian Orthodox Church share an undivided history of seventeen centuries. Both the Sister Churches remain in the same Syrian family with many common traditions that unite us together. Besides, we have three major mutual agreements between the Churches, namely the Christological agreement, agreement on Pastoral Collaboration and on Mixed Marriages.

Common Declaration of Pope Paul VI and Patriarch Ignatius Yacoub III on Christology

The official visit of Syrian Patriarch Ignatius Yacoub III to Pope Paul VI in Rome and the consequent common declaration on 27 October 1971 is the first important opening in the ecumenical relation between the Syrian Church of Antioch and the Catholic Church in the twentieth century¹

¹ This declaration was made on 27 October 1971 signed by the Paul VI and the Patriarch. See AAS 63 (1971) 814-815. In this period, the two Malankara Orthodox Churches were considered themselves as one autonomous Church under the supervision of the Syrian Patriarch of Antioch. Hence, in a way this declaration affected both these Churches.

In the common declaration, the Pope and the Patriarch acknowledged the deep spiritual communion already existing between the Churches. The Churches have the same sacraments, common profession of faith in the Lord Jesus Christ, the apostolic tradition which forms part of the common heritage of both the Churches and the great Fathers and Doctors of the Church including St. Cyril of Alexandria who are the common masters in the faith. These common factors show the action of the Holy Spirit that works in the Church even amidst the human weakness and failures.²

The agreement is the manifestation of the fact that "there is no difference in the faith they profess concerning the mystery of the Word of God made flesh and become really man, even if over the centuries difficulties have arisen out of the different theological expressions by which this faith was expressed." They instruct the clergy and faithful of their Churches to remove obstacles which still prevent full communion. Moreover, they exhort the scholars of the Churches and of all Christian communities to penetrate more deeply into the Mystery of Christ with humility and fidelity to the Apostolic traditions so that the fruits of their reflections may help the Church in her service to the world.

The Declaration was the explicit expression of the better knowledge and

understanding of the existing communion between the Churches. Many common elements that subsist in the Churches were traced out and emphasized while acknowledging the development of theological differences. The Second Vatican Council opened up the path of acknowledging these differences while affirming the common elements. The major cause of the confusion was as the Council states "East and west have used different methods and approaches in understanding and proclaiming divine things... the various theological formulations are often to be considered as complementary rather than conflicting."³ After fifteen centuries, the common agreement between the heads of these two Churches was an expression of growing knowledge between the two Churches and it is a means of fostering unity for the Eastern Catholic Churches.⁴

The declaration exhorted that "the clergy and faithful should remove the obstacles with love, with openness to the prompting of the Holy Spirit, and with mutual respect for each other and each other's Church."⁵ A response to this instruction could be seen in CCEO can. 903 states that the unity is fostered by "collaboration and brotherly respect in practice and spirit." We can see this mutual respect in the developments of dialogue between the two Churches.

² Cf. AAS 63 (1971) 814-815. The original is in English.

³ UR 17.

⁴ Cf. CCEO can 903 See OE 24.

⁵ The third paragraph of the Declaration, originally in English.

The Common Declaration of Pope John Paul II and Patriarch Mar Ignatius Zakka I Iwas on Pastoral Cooperation

In Order to strengthen the bonds that exist between the Church of Rome and the Syrian Orthodox Church of Antioch and thus to progress further towards full communion, Mar Ignatius Zakka I Iwas, the Syrian Patriarch of Antioch, came on pilgrimage of the tombs of the Apostles Peter and Paul and visited Pope John Paul II and the Church of Rome from 20-23 June 1984.⁶ The Patriarch was accompanied by the Catholicos of the East, His Beatitude Mar Baselios Paulos II, the Head of the Malankara Syrian Orthodox Church and a group of bishops, priests, and laity.⁷ A common declaration was signed by both the heads of the Churches at the end of the Patriarch's visit to Rome on 23 June 1984. Pope John Paul II and the Patriarch professed the faith of their two Churches as formulated at the Council of Nicea and acknowledged that the confusions and schisms of subsequent years stemmed from the terminology, culture and different formulæ used by different

theological schools. They admitted that today these differences do not affect the substance of faith.

After the introductory words, the Pope and the Patriarch affirmed their strong wish "to widen the horizon of their brotherhood and affirm the terms of the deep spiritual communion which already unites them and the prelates, clergy and faithful of both their Churches, to consolidate these ties of faith, hope and love, and to advance in finding a wholly common ecclesial life."⁸

The declaration deals with the Christological question with a new understanding. After affirming the Nicene Creed as the basis of their common faith, they accepted the confusions and schisms that occurred between their Churches in the later centuries as not affecting or touch the substance of their faith. Schisms were due to the differences in terminology and culture and the various formulas adopted by different theological schools to express the same faith. They professed "in words and deeds, the true doctrine regarding Christ Our Saviour, in spite of the differences in the interpretation of this

⁶ See *Information Service* 55 (1984) 59-63. Before his election to the Patriarchal see, Patriarch Mar Ignatius Zakka I Iwas had already paid several visits to Rome. He was a delegated observer for his Church at the first and second sessions of the Vatican II. In 1971, he accompanied his predecessor, Patriarch Mar Ignatius Yacoub III, to a visit Pope Paul VI. He was a consultor for the Pontifical Commission for the revision of the Oriental Canon Law.

⁷ Catholicos of the East is the head of the Malankara Syrian Orthodox Church. Besides the Patriarch and the Catholicos, His Excellency Gregorios Johanna Ibrahim, the Metropolitan of Aleppo, His Excellency Julius Yeshon Chicec, the Archbishop of Central Europe, His Excellency Archbishop Severius Ishac Sakka, Vicar general of the Patriarchate, Rev. Fr. Benjamin Joseph, Secretary to the Patriarch and two lay dignitaries, Dr. Babu Paul and Mr. John Glore.

⁸ *Information Service* 55 (1984) 62

doctrine which arose at the time of the Council of Chalcedon.”⁹ They denied that there was any difference in the faith they confessed in the Mystery of the Word of God made flesh and become truly man. The Christological statement states: “We confess, that our Lord and our God, our Saviour and the King of all, Jesus Christ, is perfect God as to His Divinity and perfect man as to His humanity. This Union is real, perfect, without blending or mingling, without confusion, without alteration, without division, without the least separation.”¹⁰ Thus, Pope John Paul II and the Syrian Orthodox Patriarch of Antioch reaffirmed the common faith in the incarnation of our Lord Jesus Christ, as Pope Paul VI and Patriarch Moran Mor Ignatius Yacoub III had done.

The redemptive act of Christ was active in the Church through the word and through the sacraments. The Holy Spirit acts in the Church to call everybody and makes them members of this Body of Christ. The declaration was centred on the Eucharistic ecclesiology as it affirmed the Eucharist as the fulfilment and summit of Sacramental life. Therefore, it was through the Eucharist that the Church is most profoundly realised and

reveals its nature. They also confirmed that the sacramental life was the same in both the Churches.¹¹

While affirming the common bonds of the same faith in Jesus Christ and the sacramental bonds, the declaration remind that the Holy Eucharist, which is the chief expression of Christian unity between the faithful and between Bishops and priests, cannot be concelebrated by the Churches.¹² Such celebration supposes a complete identity of faith which has not yet been achieved. The Code of Canons of Eastern Catholic Churches, CCEO, emphasis this aspect of ecclesiology and forbids such concelebrations. Canon 702 states “Catholic priests are forbidden to concelebrate the Divine liturgy with non-Catholic priests or ministers.”¹³ The declaration consisting of certain questions, in fact, still needs to be resolved teaching the Lord’s will for His Church, as also the doctrinal implications and canonical details of the traditions proper to our communities which have been too long separated.¹⁴

In the second part, the Declaration dealt with the pastoral collaboration and authorized those faithful who were unable to find a minister of their own Church, to request the

⁹ *Common Declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* on June 23rd 1984. Published in Pontifical Council For Promoting Christian Unity, *Information Service* 58 (1985) 61-63.

¹⁰ *Common Declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* . n.4.

¹¹ *Common Declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* . n.n. 5-6

¹² *Common Declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* n.8.

¹³ Cf. Secretariat for Promoting Christian Unity, Declaration, January 7th, 1970, 10; *Ecumenical Directory* 93.n. 104.

¹⁴ Cf. *Common declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* n.8.

sacraments from a minister of the other Church. The theological basis for this sacramental sharing, as the declaration presented was “the identity of faith, though not yet complete” and “to meet their needs and with their spiritual benefit.” It is limited to the situations of “our faithful find access to a priest of their own Church materially or morally impossible... which now a days are frequent both because of the dispersion of our faithful throughout the world and because of the precarious conditions of these difficult times.” In all the seven sacraments, only the sacrament of Penance, Eucharist and Anointing of the Sick could be shared in such a way.¹⁵ The Eastern Code is in agreement to these approaches of the Churches as states in can 671§2: necessity requires it or genuine spiritual advantage suggests it and provided that the danger of error or indifferentism is avoided, it is permitted for catholic Christian faithful, for whom it is physically or morally impossible to approach a Catholic minister, to receive the sacraments of penance, the Eucharist and anointing of the sick from the non-Catholic ministers, in whose Churches these sacraments are valid.¹⁶

Canon 671§3 allows the Catholic ministers to administer the Sacraments of Penance, the Eucharist and the Anointing of the Sick to the faithful of Eastern Churches, if they ask for them in their own and are properly disposed.¹⁷ Since there is an agreement regarding this pastoral collaboration in this common declaration of the Catholic faithful, the faithful of the Malankara Syrian Orthodox Church can receive these sacraments as stated in Can. 671§2 and§3. It was for the first time in the history of contemporary ecumenism that the Catholic Church and another Church have mutually accepted and authorized such a possibility.¹⁸ Particular law of a Church *sui iuris* on this sacramental sharing must be enacted only after consultation with at least the local competent authority of the non-Catholic Church or ecclesial community.¹⁹

The Declaration hoped that there would be eventual collaboration in the formation of priests and in theological teachings.²⁰ It was a logical consequence of the collaboration in the pastoral ministry between the Churches. Bishops were encouraged to promote sharing of facilities for theological education where

¹⁵ *Common declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* n. 9.

¹⁶ Cf. OE 27, *Ecumenical Directory* 93. n. 123.

¹⁷ For the Christians of non-Catholic Eastern Churches with valid sacraments, in order to receive these sacraments, no such conditions as ‘physically or morally impossible to approach their own priests’ are put forward, since CCEO does not binds the non Catholics. Cf. UR 15.

¹⁸ Cf. *Information Service* 58 (1985) 59.

¹⁹ CCEO can 671§ 5. Syro Malabar Church in order to make the particular Law on this sacramental sharing must have consulted the Malankara Syrian Orthodox Church.

²⁰ For the Collaboration in theological teachings see the detailed description in *Ecumenical Directory* 93.nn. 196-203.

they judged it to be available.²¹ As a result of this agreement and common declaration, the Catholic theological faculties were open to the students of the Syrian Orthodox Church of Antioch. In Kerala St. Thomas Apostolic Seminary at Vadavathoor, Kottayam gave theological education to many Malankara Syrian Orthodox priests. In Rome, the centre for higher studies like Pontifical Oriental Institute, also give chances for many Orthodox students for theological higher studies.

While pointing out the common elements in these sister Churches²² and areas of cooperation, the Pope and the Patriarch added that they must still do all in their power to achieve the full visible communion between the Churches. They begged for God's grace, that alone would enable them to give the world a fully unanimous witness to the Gospel.²³

Agreement on Marriages

The Joint Dialogue Commission between the Catholic Church and the Malankara Syrian Orthodox Church, because of the urgency of problems of a pastoral nature, had desired, from its first meeting in

December 1991, to examine the question of inter-Church marriages. Finally the agreement between the Churches on inter-Church marriages with the Pastoral Guidelines was published on 25 January 1994.²⁴ The Pastoral Guidelines were drafted by some of the Catholic Bishops in agreement with the Syrian Orthodox members of the joint commission which had been approved by the Kerala Catholic Bishop's Council (KCBC).²⁵ This agreement was accepted as such in the Particular Law Concerning Marriage in the Syro Malabar Church (PLCMSMC) in Can. 32.

The agreement is based on the developments so far acquired in the relation between these two Churches. Therefore it is largely dependent up on the Common Declaration of Pope John Paul II and the Syrian Orthodox Patriarch Ignatius Zakka I Iwas of Antioch on 23 June 1984 for its theological basis. Common profession of faith on the mystery of the Incarnated Word and the affirmation of the faith in the mystery of the Church and the Sacraments are the major elements in this declaration. These agreements in faith, opened a possibility for pastoral

²¹ Cf. *Common Declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas* n.9.

²² The Declaration uses the term sister Churches to denote the Catholic Church and the Syrian Church of Antioch.

²³ Common Declaration of Pope John Paul II and His Holiness Mar Ignatius Zakka I Iwas n.9.

²⁴ The Participants of this official dialogue from the Catholics part besides the nine members, His Excellency, Msgr. Patrick D'Souza, Bishop of Varanasi also took part. From the Malankara Syrian Orthodox Church the participants were, His Grace Thomas Mar Athanasius (Co-Chairman), His Grace Thomas Mar Thimotheos, His Grace Yuhanon Mor Meletius, V.Rev. Joseph Pulickaparampil Cor-Episcopa, Rev. Fr. Cherian Poothicote, Rev. Dr. Adai Jacob, Rev. Fr. Kuriakose Moolayil, Rev. Fr. R.V. Markose, Dr. D. Babu Paul, Rev. Dn. Shibu Cherian, Rev. Dn. Biji C. Markose and Rev. Dn. Saji K.V.

²⁵ *Information Service* 84 (1993) 159.

collaboration including the mutual admission of the faithful of both the Churches to the reception of the Sacraments of Penance, Eucharist and Anointing of the Sick for a grave spiritual need. These elements in the Common declaration made way for a more active collaboration in the area of mixed marriages.²⁶

The inter-Church marriages deserve special pastoral care. The pastors of both partners are bound to provide continued pastoral care to these families "in such a way as to contribute to their sanctity, unity and harmony."²⁷ "This pastoral care should take into account the concrete spiritual condition of each partner, their formation in their faith and their practice of it. At the same time, respect should be shown for the particular circumstances of each couples' situation, the conscience of each partner and the holiness of the state of sacramental marriage itself."²⁸ The *Ecumenical Directory* suggests that where judged useful, diocesan bishops and Synods of Eastern Catholic Churches could draw up more specific guidelines for this pastoral care. Moreover, the *Directory* suggests establishing

contact with the minister of the other Church, where the situation warrants it, in order to give necessary pastoral care for the family.²⁹

When discussing the obligations of the local hierarchs and other pastors, Canon 816 of CCEO states: "Local hierarchs and other pastors of souls are to see to it that the Catholic spouse and the children born of a mixed marriage don't lack spiritual assistance in fulfilling their spiritual obligations and are to assist the spouses in fostering the unity of conjugal and family life."³⁰

The approach of the *Pastoral Guidelines* are more open and practical while at the same time they discuss the liturgical participation of the couple. They are advised to attend the liturgical celebrations of his / her respective Church. But when the joint participation is socially required the couple may be permitted to participate jointly.³¹ This stems from the mutual acceptance of the sacraments between the Catholic Church and the Malankara Syrian Orthodox Church and the mutual pastoral cooperation while materially and morally impossible to approach the ministers of their

²⁶ The agreement between the Catholic Church and the Malankara Syrian Orthodox Church on inter-Church marriages and the *Pastoral Guidelines* is published *Information Service* 84 (1993) 159-161.

²⁷ *Pastoral Guidelines*.n. 22.

²⁸ *Ecumenical Directory* 93.n. 146.

²⁹ *Ecumenical Directory* 93. n. 146 and 147. Certainly, mutual consultation between Christian pastors for supporting such marriages and upholding their values can be a fruitful field of ecumenical collaboration. See CECCARELLI, II Codex Canonum Ecclesiarum Orientalium e l'Ecumenismo, 125.

³⁰ There should be an ecumenical dimension to the formation of those engaged in pastoral work otherwise the Pastors will not able to cope with the task of giving pastoral care to the families of mixed marriage successfully. The *Ecumenical Directory* 93. n. 51-64 speaks of the specific formation to those who are in ordained ministry and the role of the ecclesiastical faculties. Recent document from the Pontifical Council for Christian Unity *The Ecumenical Dimension to the Formation of those Engaged in Pastoral Work*, 1998 discuss it in detail.

³¹ Cf. *Pastoral Guidelines*.n. 23.

own Church in receiving the sacrament of Penance, Eucharist and Anointing of the Sick. The family is 'advised' to participate in the liturgical celebrations in his/her own church. In participating the liturgical celebrations, also mutual respect, keeping the unity and sanctity of the marriage is to be kept. The special occasions of the couples life such as the first communion of their child, marriage of their child or some other similar family functions allows for the joint participation in the liturgical celebrations.

Pastoral Guidelines n. 24 states that "any declaration of the nullity of such marriages is only to be considered with the consent of the bishops concerned from both Churches." According to Gallagher, this may cause some difficulties. If there are serious grounds for considering a particular marriage to be null, then the parties have the right to ask a Church tribunal to examine the marriage. It is not clear, therefore how the consent of the bishops concerned according to this guideline. Gallagher thinks that it may be to ensure that procedures concerning nullity or divorce should be considered jointly by both Churches.³² It may be due to ensure the rights of both the parties while the norms for declaring the nullity or divorce is different in these two churches.³³

Regarding the funeral services also the guidelines are very pastoral in its norms. It should be as far as possible be conducted

according to the rite or the dead person's Church even though he/she may be buried in either of the cemeteries, especially if the other partner is already buried in a family tomb. The sensitivity of the partner also should be considered while deciding the funeral. CCEO Canon 876§1 permits such funerals of non Catholics in the Catholic cemeteries; "An ecclesiastical funeral can also be given to baptised non-Catholics according to the prudent judgement of the local hierarchy; unless it is against their will and as long as the proper minister is not available."

Conclusion

All these three agreements between the Churches' have been well received by the Churches especially through the legislation. But experience show that there are priests and faithful who are ignorant of these agreements. These ignorance or non reception of the agreements from both the Churches cause confusion among the faithful. Therefore, may I make a few suggestions.

There must be adequate ecumenical formation for the priests, religious and catechism teachers. Publish an Ecumenical Directory for the Churches in Kerala explaining the relation between the Churches. Publish Guidelines for Inter Ecclesial Marriages.

These documents are very important for the pastors who are taking care of the Christian faithful outside Kerala.



³² Cf. GALLAGHER, "Mixed Marriage: A Canonical Guide for Catholics", 37.

³³ Many of the grounds upon which civil divorce is recognized by the Malankara Syrian Orthodox Church would in fact be considered grounds for a declaration of nullity by the Catholic Church. But there are many exceptions.

SYNOD OF BISHOPS OF THE PATRIARCHAL AND MAJOR ARCHIEPISCOPAL CHURCHES

Biju George Kannamundayil CMF

1. Introduction

The teaching of Vatican Council II was revolutionary in its description of the Church; from the concept of the monolithic Roman Church, to the reality that the Church is truly a communion of Churches. Consequential to this renewed awareness that the Church is a communion of Churches, greater emphasis is now placed on preserving what is unique to each of these Churches *sui iuris*. The restoration of the synodal form of governance in the patriarchal and major archiepiscopal Churches in accordance with the ancient tradition of the Church does certainly bear an eloquent testimony of this ardent desire of the Church to preserve and cherish what is unique to each Church *sui iuris*.

Literally speaking the word “synod”, derives from two Greek words *syn* meaning “together” and *hodos* meaning “road” or “way”. Therefore, the term ‘*synodos*’ means

‘coming together’ or ‘meeting together’.¹ The term also means, ‘to travel along the same way together’. To be ‘synodal’ is to move forward, in harmony, under the impulse of the Spirit.²

Eastern Catholic Churches *sui iuris* are divided into four groups: Patriarchal, Major Archiepiscopal, Metropolitan and Other Churches *sui iuris*.³ Among these, only the patriarchal and the major archiepiscopal Churches *sui iuris* have proper synodal structures. These synods have been the authentic expression of the institutional aspect of the collegiality of bishops from the very beginning of the Church. Today, together with the patriarch/major archbishop, the synod of bishops constitutes the highest authority in these Churches *sui iuris* (*Orientalium Ecclesiarum* n. 9).⁴ The focus of this article is the theological and canonical evolution, the structure, organization and the power of the synod of bishops in the patriarchal and the major

¹ James A. Coriden, *An Introduction to Canon Law* (New York: Paulist Press, 1991) 69.

² Jose Porunedom, ed., *Acts of the Synod of Bishops of the Syro-Malabar Church* (Kochi: The Syro-Malabar Major Archiepiscopal Curia, 1996) 52.

³ George Nedungatt, ed., *A Guide to the Eastern Code* (Rome: Pontificio Istituto Orientale, 2002) 70-71.

⁴ Vatican Council II, Decree *Orientalium Ecclesiarum*, *AAS* 57 (1965) 76-89; translation from Austin Flannery, *Vatican Council II: The Conciliar and Post Conciliar Documents* (Mumbai: St. Pauls, 2007) 401.

archiepiscopal Churches as determined in *Codex Canonum Ecclesiarum Orientalium* (CCEO).⁵

2. The Biblical and Theological Foundation of the Synodal Structure

Canon law is an offspring and a reflection of theology. Theology effectively shapes canon law and presents it with pre-judicial grounds for action and its meta-judicial goal, the *salus animarum*.⁶ Therefore, in this section we shall deal with the biblical and theological foundation of the synodal structure.

2.1. The Biblical Foundation of Synodality

Synodality, as a way of life of the Church, seeks to fashion ecclesiastical life on the life and ministry of Jesus and the Apostles as illustrated in the Gospels and in the Acts of the Apostles.

2.1.1. In the Life and Ministry of Jesus

Jesus had many disciples and from them he formed the first Episcopal 'college of twelve' and entrusted them with his salvific mission (Mt. 10:1-4; Mk. 3:13-19; Lk. 6:12-16). He assured his assistance to this college through his promise to be present in the midst of two or three gathered in his name (Mt 18:20).⁷

2.1.2. In the Apostolic Praxis

Though the term "synod" was not in use in the apostolic period, the Jerusalem assembly (Acts 15: 1-32) is clearly an indication of the collegiality that existed even in the apostolic period.⁸ We can also see the existence of the synodal principle, especially, in connection with the elections of Matthias (Acts 1: 15-26) and of the seven deacons (Acts 6: 1-6).

2.2. The Theological Foundation of Synodality

Instead of speaking of the unity of God in terms of one nature, Oriental theology prefers to speak of it in terms of communion of persons.⁹ The Synodal structure of the Eastern Churches is a particularly eloquent way of living and manifesting the mystery of the Church as communion.

3. The Historical Evolution of the Synodal Structure

Even though the scope of this paper is limited to the synod of bishops of the patriarchal and major archiepiscopal Churches, we would like to trace briefly the historical development of synodal structure in general, so as to situate our study in its historical context.

⁵ *Codex Canonum Ecclesiarum Orientalium*, promulgated by John Paul II, *AAS* 82 (1990) 1033-1363; translation from Canon Law Society of America, *Code of Canons of the Eastern Churches* (Bangalore: Theological Publications in India, 2003).

⁶ Paul Pallath, *The Synod of Bishops of Catholic Oriental Churches* (Rome: Mar Thoma Yogam, 1994) 40.

⁷ According to Congar, Mt. 18:20 is the great conciliar text; cf. "The Conciliar Structure or Regime of the Church", *Concilium* 7 (1983) 6.

⁸ P. Duprey, *The Synodal Structure of the Church in Eastern Theology* (London: B. Herder Book Co., 1971) 152.

⁹ John. D. Zizioulas, *Being as Communion: Studies in the Personhood and the Church* (London: S.P.C.K., 1985) 134.

3.1. From Apostolic Period To Nicaea II

On the basis of the apostolic praxis, the bishops met in assemblies in a collegial manner to solve the various problems that confronted the early Church. Gradually the great Sees of Rome, Alexandria, Antioch, Constantinople and Jerusalem emerged as patriarchates within the Roman Empire and the Catholicates of Persia and Armenia outside the Roman Empire. The assembly of the bishops of a patriarchal Church enjoyed wide legislative, judicial, and executive powers. Ecumenical synods – theoretically the assembly of the bishops of the five patriarchates – regulated matters concerning the universal Church.¹⁰

3.1.1. The Apostolic Canons¹¹

The fundamental canonical basis of the synodal structure in the Oriental Churches is the Apostolic canons.¹² The first and basic affirmation of the synodal structure is to be found in canon 34 of the Apostolic Canons.¹³ In order to exercise the supreme and the truly synodal power, common consent and unity of action of the regional bishops were essential.¹⁴

3.1.2. Council of Nicaea I (325)

Canon four of Nicaea I recognised and officially approved the synodal structure of the Church.¹⁵ According to the fifth canon of this council,¹⁶ the only competent organ to

¹⁰ Paul Pallath, *The Synod of Bishops of Catholic Oriental Churches*, 38.

¹¹ The Apostolic Canons are a canonical collection, included in Book VIII of the Apostolic Constitutions, circulated in Syria probably toward 380, the author of which is unknown. They codified the ecclesiastical discipline that was already in force before the Council of Nicaea I (325), and that was to be confirmed also by later ecumenical councils. Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, Nicene and Post Nicene Fathers, Second Series, no. 14 (Edinburgh: T&T Clark, 1991) 591.

¹² Paul Pallath, *The Synod of Bishops of Catholic Oriental Churches*, 82.

¹³ Canon 34 of the Apostolic Canons, fundamental to an understanding of the patriarchal and synodal institution in the Churches of the East, states: "The bishops of each nation [ethnos] must know [who is] the first [protos] amongst them and take him as head and do nothing of importance without his opinion, and each is to operate only on things regarding his own area and the territories that depend on it; but neither shall he [the first or head] do anything, without the opinion of all: so there will be harmony and God, the Father, the Son and the Holy Spirit will be glorified". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church* (Michigan: WM. B. Eerdmans Publishing Company, 1991) 596.

¹⁴ Peter L' Huillier, *The Church of the Ancient Councils* (New York: St. Vladimir's Seminary Press, 1996) 27.

¹⁵ Nicaea I c. 4: "It is by all means desirable that a bishop should be appointed by all the bishops of the province. But if this is difficult because of some pressing necessity or the length of the journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the vote and given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan bishop". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, 11.

¹⁶ Nicaea I c. 5: "Concerning those, whether of the clergy or the laity, who have been excommunicated, the sentence is to be respected by the bishops of each province according to the canon which forbids those expelled by some to be admitted by others. But let an inquiry be held to ascertain whether anyone has been expelled from the community because of pettiness or quarrelsomeness or any such ill nature on the part of the bishop. Accordingly, in order that there may be proper opportunity for inquiry into the matter, it is agreed that it would be well for synods to be held each year in each province twice a year, so that these inquiries may be conducted by all the bishops of the province

reconsider cases of excommunication was the assembly of all bishops of the province. The council decreed for the convocation of synods twice a year in each province.¹⁷

3.1.3. Synod of Antioch (341)

Canon nineteen of the synod of Antioch says, "a bishop shall not be ordained without a synod and the presence of the metropolitan of the province."¹⁸ Canons three¹⁹ and twelve²⁰ unequivocally established

that the synod of bishops can punish and even depose bishops.

3.1.4. The Council of Chalcedon (451)

Canon 28 of the council of Chalcedon confirmed the canons of the previous councils concerning the synodal elections and the ordination of the bishops in the provincial synods.²¹ Canon 19 determined that the synod of bishops be convoked twice a year.²² According to canon nine, if any cleric had a

assembled together, and in this way by general consent those who have offended against their own bishop may be recognised by all to be reasonably excommunicated, until all the bishops in common may decide to pronounce a more lenient sentence on these persons. The synods shall be held at the following times: one before Lent, so that, all pettiness being set aside, the gift offered to God may be unblemished; the second after the season of autumn". Cf. Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, Vol. I (London: Sheed & Ward and Georgetown University Press, 1990) 8.

¹⁷ Norman P. Tanner, *The Councils of the Church* (New York: The Crossroad Publishing Company, 2001) 16.

¹⁸ Antioch c. 19: "A bishop shall not be ordained without a synod and the presence of the metropolitan of the province. And when he is present, it is by all means better that all his brethren in the ministry of the Province should assemble together with him; and these the metropolitan ought to invite by letter. And it were better that all should meet; but if this be difficult, it is indispensable that a majority should either be present or take part by letter in the election, and that thus the appointment should be made in the presence, or with the consent, of the majority; but if it should be done contrary to these decrees, the ordination shall be of no force. And if the appointment shall be made according to the prescribed canon, and any should object through natural love of contradiction, the decision of the majority shall prevail". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, 117.

¹⁹ Antioch c. 3: "If any presbyter or deacon, or any one whatever belonging to the priesthood, shall forsake his own parish, and shall depart, and, having wholly changed his residence, shall set himself to remain for a long time in another parish, let him no longer officiate; especially if his own bishop shall summon and urge him to return to his own parish and he shall disobey. And if he persists in his disorder, let him be wholly deposed from his ministry, so that no further room be left for his restoration. And if another bishop shall receive a man deposed for this cause, let him be punished by the Common Synod as one who nullifies the ecclesiastical laws". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, 109.

²⁰ Antioch c. 12: "If any presbyter or deacon deposed by his own bishop, or any bishop deposed by a synod, shall dare to trouble the ears of the Emperor, when it is his duty to submit his case to a greater synod of bishops, and to refer to more bishops the things which he thinks right, and to abide by the examination and decision made by them; if, despising these, he shall trouble the Emperor, he shall be entitled to no pardon, neither shall he have an opportunity of defence, nor any hope of future restoration". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, 114.

²¹ Peter L' Huillier, *The Church of the Ancient Councils*, 283.

²² Chalcedon c. 19: "The bishops of the province should assemble twice a year for the regular synod". Cf. Norman P. Tanner, ed., *Decrees of the ecumenical Councils*, 96.

case against his own or another bishop, he had to take the case to the provincial synod.²³

3.1.5. The Council in Trullo (692)²⁴

Canon eight of the Council in Trullo²⁵ established that if metropolitans could not hold synods twice a year because of grave inconveniences, synods should be held, by all means, in every province between the holy feast of Easter and October in the place determined by the metropolitan.²⁶

3.1.6. The Council of Nicaea II (787)

The Council of Nicaea II in canon three reaffirmed the fourth canon of Nicaea I, that the only authority to elect a person to the episcopate was the synod of bishops.²⁷ The sixth canon of Nicaea II ordered the excommunication of those who created obstacles in the functioning of the synods and prescribed canonical penalties to those metropolitans who neglected to convoke synods.²⁸

²³ Chalcedon c. 9: "Ecclesiastics should conduct their lawsuits only before the bishop, the synod of the province, the exarch, or the Bishop of Constantinople". Cf. Norman P. Tanner, *Decrees of the Ecumenical Councils*, 91.

²⁴ This particular council of Constantinople, under Justinian II, is generally known as the Council in Trullo, because it was held in the same domed hall, where the Sixth General Council had met. Both the Fifth and the Sixth General Councils did not draw up disciplinary canons, and as this council was intended to complete the previous two councils in this respect, it also took the name of Quinisext, i.e. Fifth-Sixth. Pope John Paul II in his Apostolic Constitution *Sacri Canones* mentions the Quinisext Synod in Trullo as an authentic Eastern Source.

²⁵ Quinisext c. 8: "Since we desire that in every point the things which have been decreed by our holy fathers may also be established and confirmed, we hereby renew the canon which orders that synods of the bishops of each province be held every year where the bishop of the metropolis shall deem best. But since on account of the incursions of barbarians and certain other incidental causes, those who preside over the churches cannot hold synods twice a year, it seems right that by all means once a year- on account of ecclesiastical questions which are likely to arise- a synod of the aforesaid bishops should be held in every province, between the holy feast of Easter and October, as has been said above, in the place which the Metropolitan shall have deemed most fitting. And let such bishops as do not attend, when they are at home in their own cities and are in good health, and free from all unavoidable and necessary business, be fraternally reproved". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, 369.

²⁶ Norman P. Tanner, *The Councils of the Church*, 41.

²⁷ Nicaea II c. 3: "Let every election of a bishop, presbyter, or deacon, made by princes stand null, according to the canon which says: If any bishop making use of the secular powers shall by their means obtain jurisdiction over any church, he shall be deposed, and also excommunicated, together with all who remain in communion with him. For he who is raised to the episcopate must be chosen by bishops, as was decreed by the holy fathers of Nice in the canon which says: It is most fitting that a bishop be ordained by all the bishops in the province; but if this is difficult to arrange, either on account of urgent necessity, or because of the length of the journey, three bishops at least having met together and given their votes, those also who are absent having signified their assent by letters, the ordination shall take place. The confirmation of what is thus done shall in each province be given by the metropolitan thereof". Cf. Henry R. Percival, ed., *The Seven Ecumenical Councils of the Undivided Church*, 557.

²⁸ Nicaea II c. 4: "Since there is a canon which says, twice a year in each province, the canonical enquiries shall be made in the gatherings of the bishops; but because of the inconveniences which those who thus came together had to undergo in travelling, the holy fathers of the Sixth Council decreed that once each year, without regard to place or excuse which might be urged, a council should be held and the things which are amiss corrected. This canon we

3.2. Cleri Santitati

The synod of the patriarchal Church was considered in *Cleri sanctitati*²⁹ as the synod of the patriarch and not of the “Church” and therefore, was often called patriarchal synod. In *Cleri sanctitati* we find mention of four kinds of synods in a patriarchate. They were the Permanent Synod (which was considered as part of the patriarchal curia), the Patriarchal Synod (assembly of hierarchs), the Synod of Bishops for the Election of the Patriarch and the Synod of Bishops for the Election of Bishops.

3.3. Vatican Council II

Vatican Council II affirmed the right of the Eastern Churches to govern themselves according to their own disciplines. It also urged

the Oriental Churches to return to their traditions (OE n. 6). Accordingly, the Council wished to restore the traditional form of governance, the synodal system in the patriarchal Churches (OE n. 11). The Council further stated that the patriarchs with their synods are the highest authority for all business of the patriarchate without prejudice to the inalienable right of the Roman Pontiff to intervene in individual cases (OE n. 9) and that the same is also applicable in major archiepiscopal Churches (OE n. 10).³⁰

4. The Structure and Organization of The Synod of Bishops According To CCEO

CCEO³¹ which has drawn from the rich treasury of the ancient law of the Eastern Churches,³² in title IV, chapter three, on the

now renew. And if any prince be found hindering this being carried out, let him be excommunicated. But if any of the metropolitans shall take no care that this be done, he being free from constraint or fear or other reasonable excuse, let him be subjected to the canonical penalties. While the council is engaged in considering the canons or matters which have regard to the Gospel, it behoves the assembled Bishops, with all attention and grave thought to guard the divine and life-giving commandments of God, for in keeping of them there is great reward; because our lamp is the commandment, and our light is the law, and trial and discipline are the way of life, and the commandment of the Lord shining afar gives light to the eyes. It is not permitted to a metropolitan to demand any of those things which the bishops bring with them, whether it be a horse or any other gift. If he be convicted of doing anything of this sort, he shall restore fourfold”. Cf. Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, 143-144.

²⁹ *Codex Iuris Canonici Orientalis* (popularly known as CICO) was not a complete code in the strict sense. It was a collection of four *Motu Proprios*, promulgated by Pope Pius XII. *Cleri sanctitati*, promulgated in 1957, is one among them and it deals with Oriental Rites and Persons; see George Nedungatt, *The Spirit of the Eastern Code*, 35-37.

³⁰ It is at Vatican Council II that we find the use of the term ‘major archbishop’ for the first time; cf. *Orientalium Ecclesiarum* n. 10. In 1969, Pope Paul VI created the new office of major archbishop for the Ukrainian church and appointed Slipyj as its first incumbent; as cited in <http://www.catholic-hierarchy.org/bishop/bslipiy.html> (02-09-2010). Today there are four major archiepiscopal churches (Ukrainian, Syro-Malabar, Syro-Malankara and Romanian churches).

³¹ Paul VI established the *Pontifical Commission for the Revision of the Code of Eastern Canon Law* (PCCICOR) on 10 June 1972.

³² John Paul II, Apostolic Constitution “*Sacri Canones*”, 18 October 1990, in *AAS* 82 (1990) 1033-1044.

synod of bishops, has especially drawn from the rich patrimony of the ancient traditions of the East and, on the conciliar and postconciliar teaching to deepen and refine a theology of synodality, conscious of the fact that synodality itself is a historical as well as a theological reality.³³ It has devoted 13 canons specifically on the topic of the synod of bishops in the patriarchal Churches, besides referring to the synod in a number of other canons.

4.1. The Members of The Synod Of Bishops

CCEO c. 102 §1 stipulates that all and solely ordained bishops of the patriarchal Church are the members of the synod of bishops, while others can be invited to attend it as experts or guests (CCEO c. 102 § 3).³⁴ Those bishops who are incapable of human act, those who lack active voice, those who have publicly rejected the Catholic faith (CCEO c. 953 § 1), those who have been demoted to a lower grade, those who are

deposed from the office (CCEO c. 1433), and those who are under major excommunication (CCEO c. 1434) are excluded from the synod.

CCEO has left it to the particular law to determine whether to restrict the deliberative votes of eparchial bishops outside the territory and of titular and retired bishops (CCEO c.102 § 2).

4.2. Convocation

Only the patriarch/major archbishop has the right to convoke the synod of bishops. The bishops alone cannot do so even through a collective act, with the only exception of a vacant or impeded patriarchal/major archiepiscopal See, wherein the administrator of the patriarchal/major archiepiscopal Church is to convoke the synod with the consent of the permanent synod within one month of the vacancy of the patriarchal See without prejudice to the particular law establishing a longer term, not, however, beyond two months (CCEO c. 65 § 2).³⁵

³³ The appropriate study group of the PCCICOR entrusted with the task of formulating the canons on synods suggested a change in the name from what was used in *Cleri Sanctitati*. Names like *Perfecta Synodus* (referring to the ancient tradition), and *Sancta Synodus* (used among the Orthodox Churches) were suggested. However, the study group rejected these two suggestions because it desired to have the word *episcoporum* in the title itself. Finally, the title *Synodus Episcoporum Ecclesiae Patriarchalis* was chosen, and in CCEO the names, '*Synodus Episcoporum Ecclesiae Patriarchalis*' and '*Synodus Episcoporum Ecclesiae Archiepiscopalis Maioris*' are used. The adjective "patriarchal" or "major archiepiscopal" distinguishes this synod from the Roman Synod of Bishops, instituted by Pope Paul VI on 15 September 1965 by the *motu proprio Apostolico sollicitudo*, which is a consultative body of the Roman Pontiff.

³⁴ According to *Cleri sanctitati*, in the synod for the election of patriarchs and bishops, all the bishops of the patriarchate, including titular bishops, although they have not received episcopal consecration, could be the members if they were lawfully elected and confirmed (CS cc.224).

³⁵ See article 6.2.3. § 1 of the Statutes of the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church, wherein it is stated that the synod is to be convoked within two months of the notice of the vacancy of the major archiepiscopal See (see *Synodal News: Bulletin of the Syro-Malabar Major Archiepiscopal Church*, vol. 8, no. 1 (September 2000) 44-64). In CS the synod for the election of the patriarch was to be held not later than one month from the day of the vacancy, unless the particular law established a shorter time (see CS c. 223).

The frequency of the convocation of synods in instances other than the election of the patriarch is to be determined by the particular law of the Church *sui iuris* (CCEO c. 106 § 2).³⁶

The synod of bishops is to be convoked on the following occasions:

- i) When the consent or the counsel of the synod of bishops is required (CCEO c. 106 § 1, 1°).
- ii) When the patriarch, with the consent of the permanent synod, judges it necessary (CCEO c. 106 § 1, 2°).
- iii) When one-third of the bishops request that the synod of bishops needs to be convoked to deal with a specific matter (CCEO c. 106 § 1, 3°).³⁷

4.3. Presidency

It is the prerogative of the patriarch/major archbishop to preside over the synod

of bishops. Although someone can substitute for the patriarch in certain assemblies³⁸, no such provision is made for a session of the synod of bishops, which indicates that the personal participation of the patriarch/major archbishop during the session is required.³⁹

4.4. The Quorum for a Canonical Synod

According to CCEO c. 107 § 1, the quorum is attained, except for elections, if a majority of the bishops who are obliged to attend the synod are present. For the election of the patriarch, the quorum is two-thirds of the bishops who are obliged to attend after subtracting those prevented by a legitimate impediment (CCEO c. 72).⁴⁰

5. Authority of The Synod Of Bishops

In a Patriarchal Church, the patriarch is endowed with the executive authority; the synod of bishops is endowed with legislative

³⁶ According to the particular law of the Syro-Malabar Church, the frequency of the synod is at least once a year; see Statutes of the Synod of Bishops of the Syro-Malabar Major Archiepiscopal Church, Article 7.2.1. According to CS the patriarchal synod was to be held at least every twenty years (CS c. 344).

³⁷ CS c. 344: "The patriarchal, archiepiscopal and provincial synod is to be held as often as the patriarch or the archbishop with the consent of the permanent synod, or the metropolitans with the consent of the bishops of the province, deems it necessary, and at least every twenty years".

³⁸ For example, the permanent synod (CCEO c. 116 § 2) or the patriarchal assembly (CCEO c. 142 § 1)

³⁹ George Nedungatt, ed., *A Guide to the Eastern Code*, 174. "Unless particular law has established otherwise, the one who is elected from among those present in the first session is to preside over the synod of bishops of the patriarchal Church for the election of the patriarch; in the meantime the presidency is reserved to the administrator of the patriarchal Church" (CCEO c. 70).

⁴⁰ Bishops who are excluded from the session (CCEO cc. 953 § 1, 1433-1434), those who have resigned from office (CCEO c. 210) or who have been excused for a justified reason are not obliged to attend the synod; therefore the quorum is determined after excluding such bishops. The CCEO has substantially retained the norm in *Cleri sanctitati* on this: "After a lawful convocation, if two thirds of those who enjoy active voice and who are not prevented by a true impediment are present in the place designated in accordance with c. 222, the synod shall be declared canonical and the election can be held". (CS c. 226 § 1)

⁴¹ This is to establish a clear balance of power between the individual authority of the patriarch and the collegial authority of the Synod of Bishops (see George Nedungatt, ed., *A Guide to the Eastern Code*, 174).

authority, and it is also the highest judicial tribunal of the Church.⁴¹

5.1. Legislative Power

The synod of bishops is the supreme legislator of the patriarchal Church.⁴² It is competent to enact particular laws for the entire Church *sui iuris* (CCEO c. 110 § 1) in those instances indicated by the common law or in those matters which are omitted or not treated in the common law.⁴³ The synod of bishops of the patriarchal Church designates, the manner and time of the promulgation of laws (CCEO c. 111 § 1).⁴⁴

“Laws enacted by the synod of bishops of the patriarchal Church and promulgated by the patriarch, have the force of law everywhere in the world if they are liturgical laws. However, if they are disciplinary laws or in the case of other decisions of the synod, they have the force of law within the territorial boundaries of the patriarchal Church” (CCEO c. 150 § 2). But these disciplinary laws

or decisions, if approved by the Apostolic See, have force of law everywhere in the world (CCEO c. 150 § 3).

The Limitations of the Legislative Power of the Synod of Bishops;

1. It is evident that no authority on earth can make laws contrary to the divine law and natural law.⁴⁵
2. Though a general canon on confirmation by Rome is avoided, in many important matters the synodal decisions need the consent of the Roman Pontiff as determined in the canons themselves which treat such matters.⁴⁶
3. The right of the Roman Pontiff to enact the Law for the Oriental Churches and the competence of the various dicasteries of the Roman curia.⁴⁷
4. Theoretically the Pontifical council for the Interpretation of Legislative Texts can promulgate a law for the Oriental Churches by way of interpretation.⁴⁸

⁴²According to CCEO c. 1492, laws enacted by the pope and the various dicasteries of the Roman curia affect all the Oriental Churches if the passive subject is indicated; otherwise such laws affect the Oriental Churches only in so far as they treat matters of faith or morals or declarations of divine law. The Roman Pontiff can enact laws for the Oriental Churches whenever it seems useful. The Supreme Legislator can also enact particular laws for one or more patriarchal or major archiepiscopal Churches; See also Victor J. Pospishil, *Eastern Catholic Church Law*, 168.

⁴³ Paul Pallath, *The Synod of Bishops of Catholic Oriental Churches*, 145.

⁴⁴ However, the promulgation of the laws enacted by the synod of bishops is the competence of the patriarch (CCEO c. 112 § 1).

⁴⁵ See CCEO c. 985 § 2.

⁴⁶ Cf. *Nuntia* 7 (1978) 38. § 3; 159; 554 § 2; 1388 etc.

⁴⁷ For examples see cc. 29 § 1; 30; 58; 78 § 2; 182 § 3; 159; 554 § 2; 1388 etc.

⁴⁸ The Pontifical Council for the Interpretation of Legislative Texts has universal competence. The authentic interpretation of the universal law of the Church belongs to this Council (Article 155 of Pastor bonus). This norm agrees with CCEO c. 1498 § 1, which states that laws are authentically interpreted by the legislator and by the one to whom the legislator had granted the power to interpret them authentically. An authentic interpretation, communicated in the form of law, has the same force as the law itself and must be promulgated (CCEO c. 1498 § 2); see Paul Pallath, *Local Episcopal Bodies in East and West* (Kottayam: Oriental Institute of Religious Studies India Publication, 1997) 148.

5.2. Judicial Power

The Synod of bishops is the highest tribunal within the territorial boundaries of the patriarchal Church (CCEO c. 1062 §1). A tribunal of three bishops, elected for a five year term by the synod of bishops and which is called Superior Tribunal, is constituted for the ordinary administration of justice (CCEO c. 1062 § 2).⁴⁹ This tribunal is competent to judge contentious cases involving bishops and eparchies (CCEO c. 1062 §3).⁵⁰ The appeal against the decisions passed by the tribunal is made to the synod of bishops with no further appeal (CCEO c. 1062 § 4), except the appeal to the Roman Pontiff (CCEO c. 1059 § 1).⁵¹

5.3. Executive Power

The synod of bishops is ordinarily not competent to carry out administrative acts but the patriarch or common law can concede this faculty in a certain administrative matter to the synod of bishops (CCEO c. 110 § 4). Common law has also vested the synod of bishops of the patriarchal Church with executive authority by restricting certain administrative acts of the patriarchs requiring its consent or consultation.⁵²

5.3.1. Executive Acts Reserved by the Common Law

The following acts for which the synod of bishops is competent can be understood

as examples of the exercise of administrative authority:⁵³

- The resolution of controversies regarding transfers of bishops (CCEO c. 85 § 2, 2°).
- Approve the agenda for the sessions of the synod of bishops submitted by the patriarch (CCEO c. 108 § 2).
- Examine the report of financial administration and the budget of the patriarchal Church (CCEO c. 122 § 4).
- Election of the patriarch and bishops within the territorial boundaries of the patriarchal Church (CCEO cc. 110 § 3).
- Election and proposal of candidates for offices of eparchial bishop, coadjutor bishop and auxiliary bishop outside the territorial boundaries of the patriarchal Church (CCEO c. 149).
- Acceptance of the patriarch's resignation, having consulted with the Roman Pontiff, unless the patriarch approaches the Roman Pontiff directly (CCEO c. 126 § 2).
- Constitution of the bodies such as the general moderator for the administration of justice and the patriarchal tribunal (CCEO c. 1062 § 2).

⁴⁹ Victor George D'Souza, ed., *Studies in Church Law; An Indian Canon Law Review*, Vol. II (Bangalore: St. Peter's Pontifical Institute, 2006) 135.

⁵⁰ CCEO c. 1062 § 3: "It is for the tribunal to judge the contentious cases of eparchies or bishops, even titular bishops".

⁵¹ The synod of bishops also exercises a judicial role when it constitutes a special group to judge cases of an appeal against an administrative decree of the patriarch. This special tribunal is to be constituted according to the norms of particular law (CCEO c. 1006; see George Nedungatt, ed., *A Guide to the Eastern Code*, 175).

⁵² Victor J. Pospishil, *Eastern Catholic Church Law*, 128.

⁵³ John D. Faris, *The Eastern Catholic Churches: Constitution and Governance* (New York: St. Maron Publications, 1992) 295.

- Election of members of the permanent synod (CCEO c. 115 § 2).
- Determine the matters to be discussed in the patriarchal assembly (CCEO c. 144 § 1).
- Presenting the petition to the Roman Pontiff regarding a resolution of doubts concerning the territorial boundaries of the patriarchal Church, after hearing the superior administrative authority of each Church *sui iuris* concerned and after discussing the matter in the synod (CCEO c. 146 § 2).
- Provide for the support of the bishops *emeriti* if not provided by the respective eparchies (CCEO c. 211 § 2).
- Care for the unity and integrity of faith and morals and reprobate opinions that are contrary to them (CCEO cc. 605, 652 § 2).
- Formulate a list of censors or constitute a special commission of censors (CCEO c. 664 § 1).
- Removal of the president, judges, promoter of justice and defenders of the bond of the ordinary tribunal of the patriarchal Church (c. 1063 § 2).
- Erect a tribunal of the first instance for several eparchies of the same Church *sui iuris* (CCEO c. 1067 §§ 2-3).

5.3.2. Executive acts Requiring Consent of the Synod⁵⁴

Common law restricts certain executive acts of the patriarch by imposing the

requirement that the patriarch obtain the consent of the synod of bishops of the patriarchal Church.⁵⁵ They are the following:

- To transfer the see of the patriarch. (CCEO c.57 § 3).
- Erection, modification, and suppression of provinces or eparchies (CCEO c. 85 § 1)
- Constitution of coadjutor or auxiliary bishops (CCEO c. 85 § 2, 1°).
- Agreements with civil authorities at the national level (CCEO c. 98).
- To transfer, prorogue, suspend or dissolve the synod of bishops of the patriarchal Church (CCEO c. 108 § 1).
- Convocation of a patriarchal assembly outside the prescribed time (CCEO c. 141).
- Determination of an alternative residence for eparchial bishops *emeriti* within the territorial boundaries (CCEO c. 211 § 1).
- Erection of a seminary common to several eparchies (CCEO c. 334 § I).
- Granting removal from the clerical state to those clerics having domicile or quasi-domicile within the territories (CCEO c. 397).
- Suppression of a confederation of autonomous monasteries (CCEO c. 440 § 2).

⁵⁴ John D. Faris, *The Eastern Catholic Churches: Constitution and Governance*, 296.

⁵⁵ Victor J. Pospishil, *Eastern Catholic Church Law*, 129.

- Erection of Catholic or ecclesiastical universities (CCEO cc. 642 § 2, 649).
- Approval of liturgical texts and their translations (CCEO c. 657 §§ 1-2).
- Reservation of faculty to absolve sins (CCEO c. 727).
- Reception into the Catholic Church of a bishop of an Eastern non-Catholic Church (CCEO c. 898 § 1).
- Suppression of a non-pontifical juridic person (CCEO c. 928, 1°).
- Alienation of certain temporal goods in patriarchal Churches, if the value of them exceeds twice the maximum amount established by the synod of bishops or if it concerns precious goods or those given to the church by vow (CCEO cc. 1036 § 3, 1037, 3°).

5.3.3. Executive Acts Requiring Counsel of the Synod⁵⁶

The patriarch is to consult with the synod of bishops in the following matters:

- Matters which concern the entire patriarchal Church or which are of a more grave nature (CCEO c. 82 § 3).
- To make the proposal to the Apostolic See regarding ways to serve the pastoral needs of the faithful residing outside the patriarchal territory (CCEO c. 148 § 3).

6. Conclusion

This article is an attempt to highlight the synodal structure of governance in the

patriarchal/major archiepiscopal Churches. In *Cleri sanctitati* the patriarch or the major archbishop appeared as a 'monarch' or a 'small pope',⁵⁷ who seemed to exercise legislative, judicial and executive powers over the entire patriarchal Church, whereas in the new Code, the patriarch or the major archbishop has no legislative and judicial powers except as the head of the synod. In accordance with the ancient traditions of the Church, CCEO has succeeded in establishing a just equilibrium between the patriarch and the Synod of Bishops. The Synod of Bishops and the patriarch or major archbishop are not two parallel powers of a Church *sui iuris*. There is only one supreme power in a patriarchal or major archiepiscopal Church, namely the Synod of Bishops with its head, the patriarch or the major archbishop.

When we consider the functions and powers of the synod of bishops, it is incomparable with other episcopal groupings within the Catholic Church.

- There is no other episcopal grouping except the Ecumenical Council, which possesses legislative and judicial powers. Within the territorial boundaries of the patriarchal/major archiepiscopal Churches *sui iuris*, the synod of bishops is the highest legislative and judicial body.
- Collegiality (Synodality) and subsidiarity were the principles strictly followed by the early Church. In course of time these principles were neglected in the Church. Through the establishment of synodal structure of governance, these principles are restored to a great extent.

⁵⁶ John D. Faris, *The Eastern Catholic Churches: Constitution and Governance*, 296-297.

⁵⁷ Paul Pallath, *The Synod of Bishops of Catholic Oriental Churches*, 231.



Father Placid Podipara

Charles Pyngett C.M.I.

Though three decades elapsed since his demise father Placid is still very fresh in the memories of those who knew him. He is known as a scholar and specialist on the questions of the history and traditions of the Syro Malabar and Malankara Churches. During his life he remained the scholar on the matters liturgical, theological and Canonical of these Churches. Actually he had the advantage of being born and brought up at a time when some of the best scholars specialised in matters of our Church were still alive. Familiarity and contact with them were good nourishment to the intellectual genius of the future scholar. Added to it he did have, through personal endeavor, recourse to the sources available at that time. As a prelude to the preparation of Canon Law for the Eastern Churches when the sources were collected from all of them, the Syro-Malabar Church lost a golden opportunity by not selecting Father Placid for that job though he was the best person suited for it. As a result this Church suffered an irreparable loss. The Malankara Church, on the other hand, made good use of this genius in Father Placid. Today the fruit of his work stands among the sources of Canon Law that the Vatican published in Latin. Nothing of that kind exists in the case of the Syro-Malabar Church.

Already as a student of theology Placid showed interest in matters of the history of his mother Church. Thus from Mangalore he once wrote to Father Bernard Kayyalakam of Chethipuzha monastery in Changanacherry to clarify some points on this subject. It was indeed an extraordinary case on the part of a student in those days trying to quench his intellectual thirst and scientific curiosity.

As a young priest he was sent to Rome for special studies. It must be remembered that at that time there were but meagre facilities in the pursuit of scientific studies. Still he made use of the limited time and facilities available. Back home in Chethipuzha he began his teaching career that lasted for over a quarter of a century. He taught theology and canon law with clarity both of thought and expression. In some rare cases when students found it difficult to grasp in Latin he used to present things clearly in simple English and even in Malayalam. Some of his students are still alive and they do keep loving and respectful memories of him.

Lay people also profited from his presence near to them to acquire knowledge on ecclesiastical matters. The late Home Minister of Kerala, Sri P. T. Chacko once disclosed that whenever he had to speak on

questions touching our faith and morals, he used to consult Father Placid for guidance. Occasionally he preached retreats too.

He was grieved at the sad state of his mother Church. Ever since the so called Synod of Diamper the Malabar Church was forced to ride on a liturgical mule, performing all the Latin ceremonies with a coating with Syriac language. In the case of the Eucharistic celebration, though the text remained mostly oriental, structural and rubrical changes were introduced to adjust to the Latin way. In the course of time this anomalous liturgy became the accepted form of worship with the clergy and the faithful not to speak of the prelates claiming spiritual benefits out of it. Worse still, some even boasted of it as their inherited property! There was no proper Pontifical for this Church. Instead, it was using the Latin Pontifical.

Attempts were made by the indigenous Vicars Apostolic in the early stage of the last century to procure a Syriac translation of the Latin Pontifical. But their attempts made no fruit. Their successors continued their efforts of procuring a Syriac translation of the Roman Pontifical with the help of some local liturgical pundits, submitted it to the Oriental congregation for approval on January 9, 1925. Later, all the Bishops sent to Rome a common letter on April 20, 1929 insisting on their earlier request. They were content with any service what soever as long as it is officiated in Syriac. The text they submitted remains a memorial to their ignorance about the history and identity of their mother Church. This did in deed provoke grief in Father Placid.

On examining this Kerala masterpiece, experts in Rome found in it linguistic errors and inexact idioms some experts were expressly critical of the attitude of introducing Latin ceremonies with Syriac coating. Finally on December 1, 1934 Pope Pius XI rejected the entire project saying that the Holy See does not want to Latinize but to Catholicize. This was perhaps the best news Father Placid received for years: Ever since, Placid never took part in the ordination services of the Syro Malabar Church using an alien Pontifical. The Pope ordered to constitute immediately a commission to revise the old Pontifical. In spite of this Papal decision things went on as before. The world war caused further delay to the execution of the Papal order. In the meantime western types of devotions and spiritual practices were spreading widely and widely, thanks to the encouragements from the Bishops. Father Placid knew this, and may be out of this he got the habit of repeating the Malayalam axiom: If the temple priest steals and eats a bit from the idol's portion, then all the temple dwellers will follow suit.

Presumably under pressure from Rome the Bishops wanted some kind of reform. It seems that on August 4, 1953 they constituted a committee to translate the texts of the sacraments into Malayalam without losing the identity of our rite. They should have instead asked the committee to restore the lost identity of this Church in matters of liturgy. The Bishops wanted the committee to submit a report at least before October 1, 1953. The time – limit set before the committee is itself an argument to show that the Bishops did not envisage any serious work from the

committee. Father Placid refused to comply with the plan of the Bishops. They wanted just a translation into Malayalam of the Syriac texts which are themselves translations from Latin. This project, if executed, would have conferred on the Latin texts the status of grand parenthood! Besides, what the Bishops wanted to do was explicit defiance of the Papal order. Mar Sebastian Valloppilly, the late Bishop of Thalasserry, confessed in his autobiography that for the Bishops, liturgy meant nothing more than the performance of the ceremonies in Syriac observing all the rubrics meticulously, (Autobiography, 370). And he was ready to correct himself; but not all the Bishops were of his calibre. Ignorance is understandable but not attachment to ignorance.

When Cardinal Tisserant, the head of the Congregation for Eastern Churches, visited Kerala in 1953, Father Placid accompanied him everywhere as his secretary. Naturally the Cardinal got much information and suggestions from his secretary. In those days the Syro-Malabar Church was confined to the limited territory between the two rivers Pampa in the south and Bharathapuzha in the north. Placid brought to the attention of the Cardinal this sad state of his mother Church. Back in Rome the Cardinal took this case seriously but met with stiff resistance from the Propaganda Fide Congregation. It is said that the Propaganda had to yield when the Cardinal pointed out that in Malabar there were over 71,000 Syro-Malabarian faithful while the latins counted just around 12,000. Thus the barrier on the north was lifted. That region forms today's Archeparchy of Thalasserry and its suffragan eparchies. Once

the barrier on the north was removed, that in the south could not stand anymore and thus the Syro Malabar Church began to flourish in a larger region. Here it must be noted that this territorial growth is not yet fully achieved.

Soon the Cardinal called Placid to Rome and appointed him a member in the commission to restore the Syro-Malabar Liturgy. The commission worked as a body and all decisions were made after mature discussions. He was particularly careful not to omit any element that is of local origin. *Minnu* and *Manthrakody* in the blessing of marriage are examples for this. *Minnu* is a small golden ornament that the bridegroom ties around the neck of the bride. *Manthrakody* is a piece of cloth, now invariably a sari, that bridegroom gives to the bride during the blessing of the marriage. Both these are of Hindu origin.

Fr. Placid spent nearly a quarter of a century in Rome. The Congregation for Oriental Churches used to consult him whenever necessary. Many priests doing their higher studies in Rome sought his help and guidance to write their doctoral dissertations.

In early stage of his stay in Rome he met with an accident that confined his movements to the limited space of his residence. While crossing a road near the Vatican a man riding on a bicycle hit him accidentally. He fell on the ground and could not stand up because of a fracture on his thigh bone. A police man standing nearby, came to his help and took him to a hospital nearby. He asked the Police not to take any action against the bicyclist. Ever since that accident he remained lame and could walk only with the help of a walking stick. In the hospital he

had to undergo surgery causing immense pain. He remembered gratefully the bicyclist who visited him in the hospital and offered fruits. His only regret was that he did not know the name and address of that poor man. Had he known it, he said, he could have given him some money out of his modest resources.

But for the accident he would have brought to light many precious information basing himself on the documents that remain hidden in the Roman archives. But God wanted something else from him through the apostolate of suffering.

Everybody think and speak of Father Placid as a scholar. Unfortunately not much is heard about his human qualities. He was above all a good priest and religious always content with the bare essentials of life. On this point there may have been people, trained and accustomed to the western way both in intellectual and spiritual fields, who found him unorthodox. He was not a man of observances for observances' sake. Jesus Christ Himself was not orthodox in the eyes of many. And no disciple is greater than his master. There were some people who used to criticize Father Placid on unreasonable

grounds. For such people latin Church was the Catholic Church and the oriental Churches were necessary evils in the Church. Father Placid was informed of such criticism. But he kept a dignified silence. Respect and tolerance of different ideas are signs of nobility.

In Chethipuzha, Ouseph, a new Christian, working in the monastery was a close friend of Father Placid. Once while on a visit to Kerala Fr. Placid came to Chethipuzha. There the community was around the illustrious guest outside the refectory after supper. At that moment Ouseph came and stood outside to see him. On hearing of Ouseph's presence he moved towards him and spoke with him for some time answering the questions of that simple man. Seeing that a senior priest made the spontaneous remark: A sign of greatness.

Father Placid will remain in the minds of those who know the history of this Church. He will go down in history as one of the greatest sons of the Syro-Malabar Church and as the greatest of the 20th century. May the good Lord grant him eternal rest.



VADAVATHOOR SEMINARY: THE REALIZATION OF THE DREAM OF REV.DR.PLACID J.PODIPARA C.M.I.

Thomas Kalayil C.M.I.

As St.Thomas Apostolic Seminary, Vadavathoor, is getting ready to celebrate its Golden Jubilee, I wish to remember Rev.Dr.Placid J.Podipara C.M.I.who was the first to think about such an institution and influenced the Sacred Oriental Congregation to take a favourable decision regarding it. The following reminiscences will help the readers to have a glimpse of what he did for the correct formation of the clergy of the St.Thomas Christians of India.

The Holy Man known as Rev. Dr. Placid J. Podipara C.M.I.

Rev. Dr.Placid J.Podipara C.M.I. dedicated the long 58 years of his priestly life for research, writing and making appeals to the Holy See in the interest of the St.Thomas Christians of India. These were done in addition to his teaching career for so many years. We fondly call him Placidachan or Fr.Placid. There has been nobody in the twentieth century who thought and wrote so much for the welfare of this Church as Fr.Placid. I knew him for 38 years from my boyhood till 27th April 1985, the day of his

death. As an altar boy at S.H.Monastery, Chethipuzha, Changanacherry, where Fr.Placid was teaching C.M.I.Seminarians from 1930, I came to know him in 1947. For us children as well as for elders he was a tall, white, fair-complexioned, learned and serious priest with his imposing physique. Everybody respected and admired him. Later as a C.M.I. young priest-student I became close and familiar with Fr.Placid in Rome where he spent 26 years since 1954 as the officially appointed and resident Adviser (Consultor in Latin) to the Sacred Congregation for the Oriental Churches. His nature was such that he was laconic and formal in conversation with strangers, but loquacious, informal, unassuming and humourous with people who were familiar to him. During my stay in Rome for seven and a half years and thereafter when he came to Chethipuzha to spend the last five years of his life, he told me so many things regarding the history, traditions, customs, worship etc. of the St.Thomas Christians who called themselves *Nazranies*¹. The nomenclature *Nazrani* was the favourite self appellation of the St.Thomas Christians of

1. The followers of Jesus the Nazarene.

India even from the early centuries of the Christian era. To see the establishment of a full-fledged Major Seminary for the training of the clergy of the Nazranies was Fr.Placid's long-cherished dream. Moreover, this holy, learned, selfless and dedicated monk dreamed dreams in the interest of his Mother Church, *the Nazrani Church*, which, he believed, was an essential component of the Universal Church. He never aimed at any personal gain. He bypassed chances that would elevate him to any ecclesiastical dignity.

The individuality of the Nazrani Church, as Fr.Placid saw it

Even before the Second Vatican ecumenical Council officially declared that *the Catholic Church is the Communion of Individual or Particular Churches*², Fr.Placid as a theologian was thinking and teaching on these lines. It is his far-sighted dreams that are being materialized now in the Syro-Malabar and Syro-Malankara Churches which together form the Catholic Community of the Nazranies. One of his dreams that has not yet been fully materialized is the dream to regain *All India Jurisdiction* enjoyed by the Head of the *Nazrani Church* with the title Metropolitan and Gate of All India. It is absolutely necessary for the spiritual care of the Nazrani Catholics in diaspora in different parts of India as well as for evangelization.

Fr. Placid's Dream about a full-fledged Major Seminary for the Nazrani Catholics

As Vadavathoor Seminary is having the Golden Jubilee of its existence in 2012, I wish to share hereby briefly what I know about it from Fr.Placid's written and oral communications. He used to tell me how he communicated his aspirations for the Nazrani Catholic Church to His Eminence Eugene Cardinal Tisserant through a *Memorandum*. The Cardinal was at the helm of the Sacred Congregation for the Oriental Churches from 1936 to 1959. In 1953 the Cardinal made a month-long visit in Kerala from mid November to mid December to have a direct experience of the vigour and vibrancy of the Nazrani Faithful. The Cardinal chose Fr.Placid as his secretary during his tour in Kerala. Soon after his return to Rome, Cardinal Tisserant called Fr.Placid to Rome to stay there as an official Adviser (Consultor in Latin) to the Sacred Congregation for the Oriental Churches. The Cardinal's visit and Fr.Placid's transfer to Rome marked the beginning of an era of development to the Nazrani Church. The above mentioned memorandum was submitted to the Cardinal by Fr.Placid when the Cardinal was at the Syro-Malankara Catholic Bishop's House of Tiruvalla. It contains in brief his aspirations for the all-round progress of the Nazrani Catholics who came to be known as Syro-Malabarians. This memorandum, found among the writings of Fr. Placid, was first published in full in Christian

2. Cf. LG, 23.

Orient.³ Here we quote only section II of this memorandum dealing with Seminaries:

Seminaries for the Syro-Malabarians

a) Major Seminary: The Syro-Malabarians have no Major Seminary of their own. True, there is the Alwaye Seminary. But though this be under the S.Oriental Congregation, it is for purposes of jurisdiction under the Latin Archbishop of Verapoly. It may be mentioned here that the territory wherein stands the Seminary is common to the Syro-Malabar Archbishop of Ernakulam also. Again, the formation imparted in this Seminary is utterly inadequate at least from the Oriental point of view. There is no provision for Oriental studies such as the history of the Syro-Malabar Church, the history and nature of the Syro-Malabar Rite and so on. To teach all these there is need of a thorough change in every line. For, as things stand at present, nothing of all these seems to be possible in view of the relations between the teachers and the taught. If this state of things cannot be changed, the other alternative would be to have a separate central Major Seminary exclusively for the Orientals. It is high time to proceed with this reform which must include in a special manner the liturgical and historical formation of the alumni.

Orientals studying in other seminaries such as Kandy, Trichy, Mangalore should be given all facility to learn and practice things Oriental.

The TOCD⁴ Houses of Studies also have to become more Oriental in outlook.

There also the Oriental atmosphere is lacking, and there is required a more intense study of things Oriental

b) Minor Seminary: Each Eparchy has now a Minor Seminary in which students are taught Syriac and Latin for two years. No sufficient attention, however, is paid to the teaching of Syriac. It is supposed that those who are sent to Alwaye will learn Syriac there. But what about those who are sent to Kandy and other places? Again, at Alwaye the study of Syriac is confined to liturgical books and to a few other lessons only. Hence a solid foundation has to be laid in the Minor Seminary itself. The atmosphere in the Minor Seminary is not conducive to this at present. There are professors whose very presence creates in the students an indifferent attitude towards things Oriental.

The above mentioned remarks apply also to the TOCD students who undergo the same courses before they are received into the Novitiate.

Another long memorandum in manuscript form and written in Latin covering six pages entitled *Seminarium Syro-Malabarensibus Proprium* (= A Seminary proper to the Syro-Malabarians) was found among his writings. No date is given in the manuscript. It seems that it was submitted to the Sacred

3. V. Pathikulangara, "Fr. Placid's Memorandum to His Eminence Eugene Cardinal Tisserant" (Christian Orient Vol. VII, Kottayam 1986)63-73.

4. Third Order of Carmelites Discalced, which is at present CMI = Carmelites of Mary Immaculate.

Congregation for the Oriental Churches with a covering letter shortly after his arrival in Rome in 1954. Cardinal Tisserant might have taken the decision of establishing a new Major Seminary understanding the need of such an institution from the memorandum of Fr.Placid. But because of the paucity of funds the project might have been postponed. Moreover, Cardinal Tisserant had to retire from the Sacred Congregation in 1959 after a creditable service of 23 years. It was Monsignor Acacius Coussa, who became the Secretary of the Sacred Oriental Congregation after Cardinal Tisserant, who executed this project.

A Confusion and Misunderstanding

Since the Syro-Malabar Church was not having a Major Archbishop as its head at that time, the Sacred Congregation for the Oriental Churches was directly handling the important matters that concerned this Church at large. Therefore in 1958 the Congregation entrusted to the Carmelite (O.C.D.) superiors of Always seminary the task of finding out a suitable location for a new Major Seminary for the Syro-Malabarians. Fr.Victor O.C.D. was deputed for this task. He approached Mar Mathew Kavukatt, the then Archbishop of Changanacherry, requesting him to show a suitable place for the proposed Seminary. Fr. Victor, most probably by mistake, told the Archbishop that the Sacred Congregation was going to start a new Major Seminary for the Province of Changanacherry. The Archbishop suggested some places which were not acceptable to Fr.Victor. Finally Fr.Victor himself spotted Vadavathoor as the ideal

place for the new Major Seminary. Since the Sacred Congregation had not yet informed the Archbishop of this project, he was under the impression that the O.C.D. priests at Always were authorized to execute this project. Therefore he did not interfere in the matter. But when Mar Kavukatt was in Rome for the Ad Limina Visit in May 1960 Monsignor Acacius Coussa, who was at the helm of the Sacred Congregation for the Oriental Churches by this time, told the Archbishop that the Sacred Congregation wanted to start a Regional Seminary and not a Provincial Seminary and that the Seminary had to accommodate the Syro-Malankara Seminarians also until they would have their own Major Seminary. Monsignor Coussa asked Mar Kavukatt to take up the responsibility of constructing the buildings for the Seminary on the site spotted by Fr.Victor and promised that the expenses would be met by the Sacred Congregation releasing the money in installments. The Archbishop requested that the right of the Syro-Malabar Church over the Mangalapuzha Seminary, Always, should be safeguarded. Monsignor Coussa gave assurance regarding this. Still some of the Syro-Malabar Bishops were confused and they misunderstood Mar Mathew Kavukatt as having manoeuvred things in his favour. The mental agony the holy Archbishop had to suffer on this account can only be imagined. Add to this the strain of responsibility to build up a Major Seminary in a well equipped manner!. To dispel the apprehensions and misunderstandings, Mar Mathew Kavukatt wrote a letter describing the happenings addressed to His Grace Mar Joseph Parecattil, Archbishop of Ernakulam,

the copies of which were forwarded to all the then Bishops of the Syro-Malabar Church. This letter was dated 27th November 1960. With the inauguration of the Seminary on 3rd July 1962 everything came to a happy conclusion. This Major Seminary was named *St. Thomas Apostolic Seminary, Vadavathoor*.

The Functioning of the Seminary

Some Syro-Malabar Bishops who had received priestly training in Seminaries managed by Religious Priests, wished to entrust the management of Vadavathoor Seminary to the Jesuit Priests. But the Sacred Congregation for the Oriental Churches stoutly opposed it and instructed the Bishops to appoint Diocesan Priests from all over the Nazrani Catholic Dioceses to staff and manage the New Major Seminary. Time has proved that it was a wise decision. Erudite and committed priests imbued with the spirit of Nazrani heritage and spirituality raised the Seminary to enviable heights even at the very initial stage.

Paurastya Vidyāpīṭham

The academic excellence of Vadavathoor Seminary culminated in its upgrading. Realizing the important role of this Seminary in the welfare and progress of the Nazrani Church in India, the Sacred Congregation for Catholic Education raised its academic section into an independent Theological Faculty with right to confer the degrees of Bachelor of Theology (B.Th.), Master of Theology (M.Th.) and Doctor of Theology (D.Th.) through the decree dated 3rd July 1982. Later on 15th August 1985 the Department of Philosophy was given power by the same Sacred

Congregation to confer the degree of B.A. in Philosophy (B.Ph.) and on 28th November 1986 to commence the Doctoral Course in Theology (D.Th.). The academic section of the Seminary is known under the name *Paurastya Vidyāpīṭham*, the local name for Pontifical Oriental Institute of Religious Studies. It is open to all the Eparchies of other Churches too. The stupendous growth of St. Thomas Apostolic Seminary within a short span of time is the result of the committed service of its staff members. It is a matter of pride to all those who love the Oriental Churches.

Here it should be remembered that the raising of this Seminary into the status of a Faculty was not very easy. The Major Seminary at Mangalapuzha, Alwaye, being very old and full-fledged, had every right to become an independent Faculty. The Sacred Congregation for Catholic Education put forward the objection that in the same state of Kerala, in two localities, not so far away from each other, one Faculty would be enough and that Mangalapuzha Seminary had the preferential status. To solve this problem and to ensure the erection of a Faculty at Vadavathoor, the authorities approached Fr. Placid who by this time had retired and returned from Rome and was staying at S.H. Monastery Chethipuzha, Changanacherry. He told them that they had to file an application on the basis of Rite (*Ratione Ritus*) in order to get a Faculty erected at the Vadavathoor Seminary to foster and promote studies connected with Oriental Churches. The instruction of Fr. Placid was effective. As a result *Paurastya Vidyāpīṭham* was erected as a Faculty at St. Thomas Apostolic Seminary, Vadavathoor.

The Task Ahead

The responsibility of the Syro-Malabar Bishops in maintaining the spiritual, academic and disciplinary standard of this training centre of their clergy is very great. Vadavathoor Seminary should not lose sight of the original inspiration and goal of its founding, namely, to train the future *Nazrani Clergy* who know well the history, traditions, spirituality, liturgy and discipline proper to them along with philosophical and theological knowledge in depth. Fr.Placid, who gave the original inspiration for founding this Seminary, was very enthusiastic and proud whenever he spoke of this Seminary. I have heard him several times, saying: *The Ferment has fallen! This is going to be a great centre of Oriental Studies in India!* By Oriental Studies he did not primarily mean Indology. He meant the study of all the aspects of the Nazrani Church in India as well

as the study of other Oriental Churches. Of course, he did not exclude the study of Indian Philosophy and allied subjects.

Experience has shown that the Nazrani Faithful who know their particular tradition, history and discipline together with their active participation in Sacred Liturgy keep up their Faith enthusiastically at home as well as in diaspora. If the priests who guide them are ignorant about these things, who will show them the correct path and give them the instructions they need? If the salt loses its saltiness, there is no way to make it salty again (Mt.5:13). May *St.Thomas Apostolic Seminary and Paurastya Vidyāpīṭham* be alert to keep ever in sight the goal set by the great visionary, Fr.Placid, whose only dream was the welfare of the Nazrani Church which will boost the vigour of the Universal Church.

